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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

3° VICTORIÆ, 1840.

VOL. LIII.

COMPRISING THE PERIOD FROM

THE TWENTY-FOURTH DAY OF MARCH,

TO

THE ELEVENTH DAY OF MAY, 1840.

Third Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; DOLMAN; LONGMAN AND CO.; J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD; R. H. EVANS, J. BIGG; J. BOOTH.

1840.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *THIRD SESSION* OF THE *THIRTEENTH*
PARLIAMENT OF THE UNITED KINGDOM OF *GREAT*
BRITAIN AND *IRELAND*, APPOINTED TO MEET AT
WESTMINSTER, 16TH JANUARY, 1840, IN THE THIRD YEAR
OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, March 24, 1840.

MINUTES.] Bills. Read a second time:—Mutiny; Marine Mutiny.

Petitions presented. By Lords Kenyon, and Fitzgerald, from several places, against the Irish Corporations Bill.—By the Earl of Haddington, from Dundee, against the General Assembly, and in favour of the Court of Session.—By the Marquess of Bute, from several places, against the Present system of Church Patronage in Scotland.—By Lords Rossie, and Prudhoe, from a great number of places, for, and by the Earls of Winchilsea, and Delawar, the Marquess of Aylesbury, and Lord Sydney, from several places, against the Total and Immediate Repeal of the Corn-laws.—By the Earl of Galloway, from places in Rutlandshire, against the Grant to Maynooth College, and the Irish Corporations Bill.

COMMERCIAL TREATY WITH AUSTRIA.] The Earl of *Aberdeen* begged to remind the noble Viscount opposite, that he had given notice that he should on this day put a question to him relative to the treaty of commerce and navigation which had some time ago been concluded between this country and Austria. The House could hardly have forgotten the extraordinary advantages which they had been assured must arise to this country from a treaty in all respects so beneficial; they could hardly have forgotten the credit which noble Lords opposite took to themselves for having been able to bring about the accomplishment of this treaty; neither could they fail to remember the warm congratulations with which its announcement to the House was accompanied. According to the accounts of her Majesty's Ministers, a new era was from that moment to commence in our commercial relations. It would probably be in the recollection of some of their Lordships that he had then taken occasion to explain that the treaty in question was no new treaty; that it was only the renewal of one which he had himself signed, in conjunction with his noble Friend the then President of the Board of Trade, more than ten years ago. He admitted that in the treaty for which Ministers took so much credit, the principle of reciprocity had been extended, and beneficially extended. By the 4th article of the new treaty it was agreed that all Austrian vessels coming to England from Turkish ports in the Danube should be received as Austrian ships would be received coming from ports in the Austrian dominions, and

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Viscount *Melbourne* said, that the noble Earl who had just addressed the House appeared to be extremely susceptible on the subject of this treaty. He could assure the noble Earl that he (Viscount Melbourne) and his Friends had no wish to deck themselves out in plumes which properly belonged to others. He was perfectly willing to allow all the merit of this treaty to those who were justly entitled to it. He admitted that an agreement had been made by which English vessels were to be received in Turkish ports upon the terms mentioned; but he must observe, that this was an article which had been pressed by the Austrian plenipotentiary. It was true that we had not the power to guarantee such an arrangement, but its non-fulfilment imposed no obligation upon England. Austria wished for freedom of trade on the Danube, and stipulated with Turkey that that freedom should be conceded to us. By the first article there was an express stipulation that all the privileges enjoyed by other nations in trading with Turkey should be conceded to Great Britain. So far as navigation was concerned, that might be done; but not so as regarded duties. He had to inform the House, that it was intended to enter into negotiations with Turkey for the purpose of accomplishing that object, and he had no doubt that it would be accomplished with very little, if any, difficulty. With respect to the fourth article, it certainly was in contravention of the navigation laws that Austrian ships not bearing Austrian produce should come from Turkish ports, and be received in the ports of this country as other Austrian vessels were. To preserve our faith with Austria, a nominal fine had been imposed upon the vessel to which the noble Earl referred; but he hoped that it would be unnecessary again to have recourse to such an expedient, for it was intended to propose to Parliament a measure legalizing the treaty. He might be asked why such a measure had not been introduced in the last Session of Parliament. To that he should reply that his right hon. Friend who then filled the office of President of the Board of Trade was now at a great distance, and he had not the means of learning from him what were the motives which induced him not to propose such a measure, but he conjectured them to be, that as negotiations were on foot with Turkey relative to that matter, he did not think it worth while to apply to Parliament twice upon the same subject. His own opinion was, that the adoption of such provisions ought no longer to be delayed. He thought that the proceedings which had recently taken place, ought, if possible, to be avoided; for the imposition of a fine in such a case was a mere evasion of the law, and he had no doubt that an application ought to be made to Parliament on the subject.

The Earl of *Aberdeen* said, that this affair had been slovenly in its commencement and in its progress. The original article was imperfect, and we had no security that Austria would adhere to the terms of the agreement; yet that very article was considered the grand improvement which had been effected in the treaty. He admitted, however, that there was some merit in that portion of the arrangement, and he should be the last man living to detract from the merits of his noble Friend who now represented this country at the court of Vienna. He had long since been aware of his noble Friend's great talents, and if those talents were less conspicuous, he should perhaps have thought it necessary to say much more than he had done; but it was ridiculous to suppose, that the alteration in the treaty which had been effected was entitled to so much praise as was bestowed upon it. He hoped it would be distinctly understood that nothing was further from his mind than any intention to detract from the acknowledged merits of his noble Friend.

Lord *Ashburton* said, it was clear, that if they permitted Austrian vessels to trade as if they were British, they should extend the same favour to vessels of other countries. He thought that the treaty now the subject of discussion would very much disturb the existing navigation laws.

Discussion at an end.

HOUSE OF COMMONS,

Tuesday, March 24, 1840.

MINUTES.] Bills. Read a first time:—Constabulary; Vaccination.—Read a second time:—Tithe Commutation (Ireland); Consolidated Fund.

Petitions presented. By Colonel Butler, from Kilkenny, for an Extension of the Franchise, and Corporate Reform.—By Messrs. Villiers, Bannerman, Morrison, G. W. Wood, Wallace, Greg, T. Duncombe, Hume, Ashton, Yates, Sir R. Peel, and Lord James Stuart, from a very great number of places, for, and by Messrs. Hodges, Dugdale, Holdsworth, Codrington, Clive, and Lord G. Lennox, from a number of places, against the Repeal of the Corn-laws.—By Sir C. B. Vere, Mr. Dugdale, and Mr. Estcourt, from several places, for, and by Mr. C. Lushington, from a Meeting held at the Freemasons' Tavern, and Mr. Villiers, from Bilston, against, Church Extension.—By Mr. Round, from Maldon, against the Poor-law Amendment Act.—By Mr. Crawford, from the Merchants of London, for Inquiry into the Opium Trade.—By Sir R. Peel, from Belfast, in favour of Non-Intrusion; from Nova Scotia, in favour of the Established Church; and from Galway, against the Importation of Flour into Ireland.—By Mr. R. Alston, from Ware, for the Release of John Thorogood, and the Abolition of Church Rates.

OPIUM SEIZED BY THE CHINESE.] Mr. *Crawford* said, there were two petitions now lying before the House from certain persons interested either as owners or as representatives of owners, of a large portion of the opium, which in the month of March last year, had been placed at the disposal of Captain Elliot, the British superintendent at Canton, on a requisition made by that authority to the British merchants at that place; and it was now his intention, in pursuance of his notice, to move, that the subject of grievance set forth in those petitions should be referred to a Select Committee of this House. He understood it was not the intention of Government to oppose that Committee, and he should therefore not go at any length into the details of this question; but, considering the peculiar nature of the transaction, the magnitude of the interests involved in it, and its general importance with respect both to the property of the subject and the public revenue, he might perhaps be allowed to give a brief historical view of the manner in which this trade had been conducted. From the earliest period of communication between Bengal and China, a trade in opium had existed in Behar; and when that province passed under the sovereignty of the British Government it approached much to a monopoly. In the year 1786, when Lord Cornwallis was Governor-general, this subject was brought under the peculiar consideration of his Government, and a scheme, still in existence, was then determined on as to the manner in which the revenue should be raised on that article on exportation to a foreign country. From 1786 to 1796, it was introduced as theretofore on the payment of a fixed duty, but in that year an edict appeared in China, having for its object to discontinue the use of opium. It prohibited the importation of it into that country; but the edict was altogether inoperative in that respect. The quantity of opium introduced into China had not diminished, but had, on the contrary, increased from that time, and ships having opium on board proceeded to the usual anchorage for British ships, and the trade continued to be carried on with the connivance of the highest Chinese authorities, from the Viceroy himself down to the lowest mandarin. It was then suggested, that stricter measures should be taken to prevent the importation of opium, and in 1821 the ships discontinued forming their rendezvous at the usual place. In 1823, however, the traffic began to be carried on upon the eastern coast of China, where in the year 1829 it had become an established trade. It continued increasing to such an extent, that the quantity of opium imported, which was in 1819 only 4,000 chests, arose in 1839 to 27,000 chests. In 1836 the Chinese government took the matter into serious consideration, apparently with a view to put the trade down, and the question arose in the council at Pekin, whether the opium trade should be legalized under restrictions or prohibited altogether. It was by a majority of one voice in the council resolved to make the traffic illegal; more stringent measures were in consequence taken, and did not prove altogether ineffectual. In 1839 the commissioner, of whom so much had been heard, Commissioner Lin, was despatched to Canton, with extraordinary powers, which superseded all the other authorities there. The occurrences that had taken place since that period were too notorious to require any statement of them to be made to the House. It was well known, that Captain Elliot, having placed himself in the lion's mouth by going from Macao to Canton, had called upon the merchants to give up all their opium, which they had accordingly done, upon an agreement for indemnification being entered into with them by Captain Elliot, in the name of the British Government. This agreement had not been ratified by Government. Now, he wished the House to consider what was the condition of the British merchants residing in Canton with reference to the authority of the superintendent. They believed, that they owed obedience to any order which the superintendent gave as the representative of the Government; they thought they had no choice in the matter, and the reason of this impression on their part was this, that the effect of the act passed in 1833 was to transfer to the chief superintendent all the powers and authorities previously exercised by the supercargoes of the East India Company. Now, before the passing of the act, British subjects could only trade with China, under the sanction of the East India Company, by virtue of licences annually granted, and they were called upon to obey every order issued by the supercargoes. It was not, therefore, unreasonable for those merchants to suppose themselves bound to offer the same obedience to the superintendent after the act had passed. As no opposition was offered to his motion, he should not trouble the House with any further observations at present. The hon. Member concluded by moving, that the petition from the proprietors of opium delivered up to Captain Elliot, the superintendent of the British trade in China, for the service of her Majesty's Government, be referred to a Select Committee.

Sir *G. Staunton* rose to second the motion, and from the circumstance of his having passed a great part of his life, and held high and important offices in the country alluded to, he trusted the House would bear with him while he detained them for a short time, by entering rather more at length into the question than otherwise might be prudent. He did not rise to express any opinion upon the validity of the transaction complained of in the petition. The House was not in a condition to determine that point. Still less did he rise to vindicate the opium trade carried on with China: on the contrary, he wished to see it put an end to by an Act of the Legislature, and the good feeling of the people of this country. However, the magnitude of the claims made by the petitioners, and the valid and binding guarantee given by her Majesty's Superintendent of Trade at Canton—that officer being still in the employment of Government—he considered that it would be an act of gross injustice if these claims were to be dismissed by a letter of six lines from the Secretary to the Treasury. He thought a full and fair inquiry should, in justice to all parties, be instituted, and he knew no better tribunal before which such an inquiry could take place than a Parliamentary Committee. There all parties would be heard, and the full circumstances of the case be laid open. While the East India Company's Charter existed, whenever a vessel arrived at China, notice was given to the commander that the importation of opium was prohibited by the Chinese government, and if it was attempted to smuggle any, the commander would be subjected to severe penalties, and the cargo would be liable to seizure. They were aware that the opium trade contributed to the revenue of India, but the agents of the Company thought it no part of their duty to protect or encourage any species of illicit trade. He was not prepared to say whether that course had been pursued in China during the remaining period of the Company's exclusive privileges, but it would appear, from the papers laid upon the table of the House, that a total change had taken place from the time her Majesty's Superintendents were sent out there. It would appear from these documents, that the opium trade was sanctioned and protected, and authorised by the representative of the British nation. There was at least so much of sanction, that it could not be regarded as a smuggling transaction. On the contrary. it had been spoken of by the authorities as favourable to the general commerce. At length the Chinese Government took more decided measures to suppress the traffic, and such conflicts arose, that the superintendent found it necessary to take measures to restrain it, and he issued a notice restraining it within certain limits. But the storm of Chinese indignation still grew blacker and blacker, the orders were more and more stringent to close the trade. Commissioner Lin arrived at Canton, and an order was issued directing all British vessels engaged in the traffic to quit the port; that was in September, 1839. And if that order had been enforced earlier, the House would not have been considering the losses of individuals, nor have to lament the stoppage of a valuable trade, neither would a struggle have ensued, which he (Sir G. Staunton) would not call unfortunate, for of its issue he felt confident in success, but which, nevertheless, it would have been as well to avoid. Under all these circumstances, the petition would be justly entitled to serious consideration. As to the legality of Captain Elliot's order, he was not qualified to discuss it. But he would venture humbly to submit to the House, that if in the station which Captain Elliot occupied, he felt himself called upon, in order to prevent fatal collisions, to take the measures he had, and if he acted in conformity with his duty to procure the liberation of British subjects, he demanded the opium, and gave the guarantee, which he had done, then certainly those British merchants, who thereby sustained losses, should have compensation. He would not detain the House further. He begged to state, he did not entertain any hostile opinion against the expediency of claiming redress from the Chinese government, and he entirely concurred in the statement made the other night by the noble Lord, the Secretary for the Colonies.

Viscount *Sandon* having given notice that he would, on Thursday next, call the attention of the House to the circumstances under which opium was grown in India to be introduced into China, begged to say a few words on the present question. It was his intention to call upon the House in some shape or other to express a strong opinion, or at least to go into an inquiry, which he hoped would issue in the expression of a strong opinion, that it was highly improper for the East India Government any longer to continue the growth of opium for the market of China, and highly expedient for the British Government to lend its best endeavours to the Chinese authorities for the suppression of that mischievous and iniquitous traffic. But, as this matter was now about to be intrusted to a committee, he believed he should best consult the interests of the great question he had at heart by postponing for the present making any distinct motion on the subject, hoping that the result of this inquiry would lead to much further information, and prepare the House and the public for the conclusion to which he wished to bring them. He hoped the committee would institute a strict and searching investigation into the whole circumstance of the case. If he should be appointed a Member, he should go into the inquiry certainly without prejudice against those claims, thinking that a *primâ facie* case had been made out by those who preferred them, but at the same time with a full determination to examine the whole subject, and an anxious desire, if possible, to discover some means of substituting for a precarious, discreditable, and iniquitous traffic a wholesome and legitimate trade with that vast and important empire. He hoped no measure of the Government would precipitate this country into a war with China of indefinite extent, being wholly unjustified by any proceedings on the part of China; indeed, he had strong doubts whether the Chinese authorities had not better grounds for making war upon us than we had to make war upon them. He should postpone his motion for the present, with the view of renewing it shortly after Easter, if this committee should then have reported.

Viscount *Palmerston* rose merely to state, that his hon. Friend who introduced this subject was right in saying that no objection would be urged to the appointment of this committee; because, undoubtedly, Government must acknowledge that the subject was one into which it would be impossible with any appearance of fairness or justice to refuse inquiry before a committee of that House. He should, therefore, have followed the example of his hon. Friend who moved for the committee, by abstaining from entering at all into the wide field of observation laid open by the papers which had been laid on the table, but for an observation which had dropped from the hon. Baronet the Member for Portsmouth. It appeared to be the opinion of his hon. Friend, that the superintendents who had the conduct of our commercial relations with China since the trade was thrown open had departed from the system pursued by the supercargoes with regard to the trade in opium, and that whereas the supercargoes did not encourage that trade, he conceived the superintendents had done so. Now, when his hon. Friend examined the papers more attentively, he would see that in this respect his impression was erroneous. The superintendents had followed exactly the same course which had been pursued by the supercargoes. Like the supercargoes, they knew the existence of the trade, for it was matter of public notoriety; but they had not even the same powers which the supercargoes had in order to put it down if ordered to do so, because the supercargoes had a certain authority; they could order any British subject who was pursuing a trade discreditable or injurious to quit the Chinese waters, but the superintendents had no such power. He had explained this in a despatch which would be found at page 129 of these papers.

> "As a misconception on this point (the want of powers) might give rise to much embarrassment both to her Majesty's Government and to the superintendents personally, I have to state to you, for your guidance, that the clause of the Act 26 George 3rd, upon which you rest your opinion (namely, that the superintendents had certain powers over British subjects in China), was repealed by the 146th Clause of the Act 33 George 3rd, c. 52; and further, that the only power exercised by the supercargoes was that of removing unlicensed persons. But as no licence from his Majesty is now necessary to enable his Majesty's subjects to trade with or reside in China, such power of expulsion has altogether ceased to exist with respect to China."

The superintendents, therefore, had no legal power whatever to compel any parties engaged in the opium trade to quit China; all they could do was, not to encourage or protect them, which he had given positive instructions that they should abstain from doing. His hon. Friend was, therefore, mistaken in supposing that any encouragement had been afforded by the superintendents to the trade. As to their not taking any active step to put a stop to it, his answer was, they could not by law take any. Under all the circumstances of the case, he thought the noble Lord opposite had not acted improperly in postponing his motion.

Sir *G. Staunton* explained. He had stated, that on the 11th of September, 1839, the British superintendent did prohibit the opium trade; if he had power to prohibit it then, he might have prohibited it before.

Motion agreed to.

PRIVILEGE—RATIONS FOR MR. PEARCE.] Sir *F. Burdett* rose to call the attention of the House to the petition of G. Johnston Pearce, now in custody of the Sergeant-at-Arms, which he had presented a few days ago. The short interval which had elapsed had given an opportunity to hon. Members to read the petition itself, and he could not help thinking, from the character and former services of this gentleman, as well as the extremely moderate request he now made, his case would now come strongly recommended to the favourable consideration of the House. Notwithstanding the strong opinions entertained by those on both sides who stood up for the powers or privileges of that House, he firmly believed no revengeful or vindictive feeling was entertained by any, and therefore he indulged the hope, when an inoffensive individual, an involuntary victim, had fallen under their power, they would not aggravate the other sufferings of his confinement by a deprivation of the common necessaries of life. Mr. Pearce now stood in a most deplorable situation, from which every one must feel the necessity of relieving him. Were he a felon—had he committed any offence and been imprisoned anywhere but in the cells of the House of Commons, he would instantly have become entitled to sustenance; and all he now asked was, that the House should now grant him the means of support while in custody of their officers, so that he should not, upon his discharge, find himself compelled, by debts contracted for his maintenance, under the necessity of going to another prison over the water in order to wipe them off. Mr. Pearce, he contended, was perfectly free from blame, and, considering the length of his imprisonment, he hoped, taking his case into consideration along with the fact that they had been obliged already to discharge two other prisoners from ill health, the House would not only grant the prayer of his petition, but extend to him the further indulgence of liberty to breathe the fresh air daily, and so to preserve that health on which he relied for gaining the honest means of support for himself and family when it should please the House to discharge him from custody. The hon. Baronet concluded by moving, "That Thos. George Johnston Pearce be excused from the payment of the sum of 4*l.* 19*s.* being the cost of his maintenance during his confinement; and that the Sergeant-at-Arms be directed to supply the said Thomas George Johnston Pearce with rations free of expense."

Sir *R. Inglis* seconded the motion. It was nothing more than a prayer for food. The House had deprived this gentleman —for gentleman he was by birth, education, and service—they had deprived him of the humble means by which he formerly earned his bread; he did not ask for liberty, but, with the recollections of an old soldier, for rations of food to prevent him from starving in prison. He hoped the noble Lord, not content with granting the prayer of the petition, would see the propriety of shortly releasing him and the other prisoners altogether from confinement.

The petition was read by the clerk, and set forth—

"That your petitioner is confined under the authority of the warrant of the right hon. the Speaker of your hon. House, for having been guilty of an alleged high contempt and breach of the privileges thereof. That, upon the incarceration of your petitioner, he was deprived of his means of supporting himself and his family, and is now without any pecuniary resources, other than the contributions of a charitable and sympathizing public. That your petitioner was supplied with provisions by Mr. Bellamy, the keeper of your hon. House, from the 9th day of February last, the day of his committal, until Friday, the 6th of March inst., when, to the great surprise of your petitioner, he had a bill delivered to him by that gentleman. amounting to the sum of 4*l.* 19*s.*, being the cost of the maintenance of your petitioner during that period. That your petitioner being unable, from the circumstances above set forth, to meet this demand, humbly prays your hon. House to direct that the payment of the same sum may be excused to him; and further to order that the Sergeant-at-Arms attending your hon. House may in future supply your petitioner with rations free of cost."

Lord *J. Russell* really did not see that it was necessary for the House to take any step upon this subject. The usual course was for parties committed by order of the House to pay for their own maintenance, and very often the fees upon their discharge. But the case of a person of extreme poverty, alleging also, as in this instance, his extreme ignorance of the privileges of that House, was so far entitled to compassion, that when the moment came for his discharge the House would be disposed to take the necessary measures, so that there might not be those proceedings against him in courts of law which had been alluded to, and that he should be imprisoned for debt to the Sergeant-at-Arms. But at the present moment he did not see, considering the extent of sympathy which had been excited in his behalf in other quarters, that the House was called on to make any order.

Sir *E. Knatchbull* was disposed to think the statement of the noble Lord so far satisfactory, if he meant it as an assurance that any reasonable charges incurred for maintenance while in custody would be fairly met when Mr. Pearce should be discharged. But what possible motive could there be in detaining this person any longer in custody? The noble Lord might talk of the sympathy which had been excited elsewhere on the part of these prisoners, but in his own opinion the House had vindicated its privileges in a manner which was altogether unjustifiable. When he looked at the course which had been taken in this case, he could not altogether dismiss from his mind the idea that some degree of vindictive punishment had been resorted to. He would take on himself to say, that if the noble Lord had met this motion by an amendment for the prisoner's discharge, he would have acted more in accordance with the feelings of a large majority on both sides of the House, and the entire approbation of at least nine-tenths of the people out of doors.

Lord *J. Russell,* in explanation, observed, that what he had stated was, that if it should turn out that the person in custody was in such a state of extreme poverty that he could not discharge these bills, incurred during his confinement, that circumstance might probably be a subject for consideration with the House at the time of his liberation. He must add, both with respect to this prisoner and many others, that if they had not met with so much sympathy from the right hon. Gentleman and other hon. Gentlemen opposite, they would not have been sustained by a feeling of false pride in resisting the orders of this House, and the House would have got rid of these questions much sooner.

Sir *E. Knatchbull* denied that to his conduct was attributable any resistance on the part of others to the orders of the House.

Sir *E. Sugden* said, that there could be no objection to the proposition of the noble Lord, if the officer of the House continued, as formerly, to supply Mr. Pearce with food; but the fact was, that Mr. Bellamy had refused him any further supply. While the sheriffs were in custody he had abstained from visiting them, as well as from every other act which might be considered disrespectful to the majority of the House; but if the noble Lord refused the present application, he would himself, on moderate terms, maintain Mr. Pearce.

Mr. *Labouchere* complained of the manner in which the question had been discussed, as if the prisoner was in danger of starvation. Had such been the case, would the hon. Baronet who presented Mr. Pearce's petition on the 12th of March, have allowed the matter to stand over for so many days? The speech of the hon. Member for Kent was most extraordinary, for he began by saying that the statement of the noble Lord was satisfactory, and concluded by denouncing it as highly improper. He regarded these motions as frivolous attempts to divert the attention of the public from the real question at issue—whether or not the important privileges of the House should be maintained.

Mr. *Law* felt so entirely satisfied with the undertaking of the noble Lord for the payment of this small bill, that he was anxious to give him the opportunity of at once carrying his good intentions into effect; and he should therefore move, as an amendment, to substitute for the words "That Mr. Pearce be excused from the payment," "that he be forthwith discharged from the custody of the Sergeant-at-Arms.

The House divided on the question that the words proposed to be left out stand part of the question, Ayes 98; Noes 56; Majority 42.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Byng, G.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Compton, H. C.
Corbally, M. E.
Courtenay, P.
Crawford, W.
Currie, R.
Divett, E.
Ellis, W.
Fleetwood, Sir P. H.
Gordon, R.
Graham, rt. hon. Sir J.
Grey rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hector, C. J.
Hepburn, Sir T. B.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, hon. C.
Horsman, E.
Howard, hon. E. G. G.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Knight, H. G.
Labouchere, H.
Lister, E. C.
Mackinnon, W. A.
Mildmay, P. St. J.
Milnes, R. M.
Morpeth, Viscount
Muntz, G. F.
O'Connell, D.
O'Connell, M.
O'Conor, Don
Paget, F.

Palmerston, Viscount
Parker, J.
Parker, R. T.
Philips, M.
Pigot, D. R.
Pinney, W.
Price, Sir R.
Reid, Sir J. R.
Rice, E. R.
Roche, W.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.
Vivian, Sir R. H.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Williams, W.
Wilshere, W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Burdett, Sir F.
Inglis, Sir R. H.

List of the Noes.

A'Court, Captain
Baillie, Colonel
Baring, H. B.
Baring, hon. W. B.
Bentinck, Lord G.
Boldero, H. G.
Broadley, H.
Bruges, W. H. L.
Christopher, R. A.
D'Israeli, B.
Duncombe, T.
Duncombe, hon. W.
Egerton, W. T.
Fielden, J.
Fector, J.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Gladstone, W. E.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Henniker, Lord
Herries, rt. hon. J. C.
Holmes, W. A'Court
Hope, G. W.
Houldsworth, T.
Jones, J.
Kelburne, Viscount
Knatchbull, Sir E.
Mackenzie, T.
Mahon, Viscount
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Packe, C. W.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Richards, R
Rolleston, L.
Rushout, G.
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Style, Sir C.
Sugden, rt. hn. Sir E.
Vivian, J. E.
Wood, Sir M.

TELLERS.

Law, hon. C.
Barrington, Lord

The House again divided on the main question: Ayes 63; Noes 88; Majority 25.

List of the Ayes.

Acland, Sir T.
A'Court, Captain
Baillie, Colonel
Baring, H. B.
Baring, hon. W. B.
Barrington, Viscount
Bentinck, Lord G.
Boldero, H. G.
Broadley, H.
Bruges, W. H. L.
Christopher, R. A.
Compton, H. C.
Courtenay, P.
D'Israeli, B.
Duncombe, T.
Duncombe, hon. W.
Egerton, W. T.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Gladstone, W. E.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Henniker, Lord
Herries, rt. hon. J. C.
Holmes, W. A'Court
Hope, G. W.
Houldsworth, T.
Jones, J.
Kelburne, Viscount
Knatchbull, Sir E.
Knight, H. G.
Law, hon. C. E.
Mackenzie, T.
Mackinnon, W. A.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Nicholl, John
Norreys, Lord
Packe, C. W.
Parker, R. T.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, L.
Rushout, G.
Scarlett, hon. J.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Style, Sir C.
Surrey, Earl of
Teignmouth, Lord

TELLERS.

Burdett, Sir F.
Inglis, Sir R. H.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Byng, G.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Corbally, M. E.
Crawford, W.
Currie, R.
Divett, E.
Ellis, W.
Gordon, R.
Grey, rt. hon. Sir C.
Guest, Sir J.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hector, C. J.
Hepburn, Sir T. B.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, hon. C.
Horsman, E.
Howard, hon. E.G.G.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Lister, E. C.
Mildmay, P. St. John
Morpeth, Viscount
Muntz, G. F.
O'Connell, D.
O'Connell, M.
O'Conor, Don
Paget, F.
Palmerston, Viscount
Philips, M.
Pigot, D. R.
Pinney, W.
Price, Sir R.
Reid, Sir J. R.
Rice, E. R.
Roche, W.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Stansfield, W.R.C.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, E.
Strickland, Sir G.
Thornely, T.
Townley, R. G.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.

Vivian, rt. hon. Sir R. H.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Williams, W.
Wilshere, W.
Wood, Sir M.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Grey, Sir G.
Parker, J.

THE CONSTABULARY.] Mr. *Law Hodges* moved for leave to bring in a bill to render effective the ancient constabulary power of England and Wales. He said, that the act of last year had only been adopted by thirteen counties in England and Wales, and by only two to the full extent. This showed that there was some reluctance on the part of the counties to avail themselves of the power of the act, and the main cause which indisposed them was the certainty of the expense which attended its adoption. The bill, in his opinion, would afford as complete protection to persons and property as the act of last session at a quarter the cost. Of course it would only apply to those counties where the former act was not adopted. It would maintain the common law constables, but insure efficiency by a careful selection out of those persons who might be nominated at the leet. The magistrates would have power to increase the number of common law constables in populous parishes and districts, and to appoint a special high constable, to be assisted, if necessary, by three special constables, for each division of a county, who should have the superintendence over the common law constables of his division. He understood that the introduction at least of his bill was not to be opposed; but, however this might be, he was convinced that if some such measure was not adopted, the only alternative would be to make the act of last session compulsory. That act had only been adopted in thirteen counties out of the whole, and he believed, that it never would become universal unless it were made compulsory, so enormous was the expense of it, an expense which the bill for amending it, introduced this session by the Under Secretary of State, went to increase materially. Many of those who had advocated the adoption of the act of last session in counties, had done so for very different objects from those entertained by the supporters of the measure in Parliament. He had received a letter from a gentleman in Kent, enclosing a pamphlet which the gentleman had written, in which one of the advantages derived from the new law was stated to be, that under it game might be cheaply preserved. He was not one of those who would ever submit to preserve his game on these terms. His objection to the act was, that, besides its costliness, it put a total extinguisher upon the ancient constabulary system of this country. If any attempts had been made to improve that system—if there was one statute on the statute-book with that object, he should have seen reason to give it up; but nothing of the kind had been done. It was as old as the jury system itself, and if the jury system had been as much neglected, there would not have been wanting persons to say, "this is a useless system, and ought to be superseded." The hon. Member then moved for leave to bring in his bill.

Sir *E. Knatchbull* wished to put this matter to the very serious consideration of the noble Lord, whether he would not, after having consented to the introduction of this bill, send the whole matter before a select committee. Crime had increased greatly; it was confined to, he hoped, petty depredations; but that being the case, it had become a matter of general admission, that the establishment of a rural police was indispensable, and he was confident that a satisfactory measure would be produced by a committee.

Lord *J. Russell*—I cannot allow this bill to be brought in without saying a few words, for my hon. Friend, not satisfied with stating his reasons in favour of his own bill, made some references to the Act of Parliament of last Session, and to the bill brought in this Session by a Member of the Government. The hon. Membe seems to think that his own is a most excellent bill, and that the plan he proposes is much better than that which the Parliament agreed to. But great as is his admiration of the ancient constabulary, the statements he has made are not likely to impress persons with the advantage to be derived from that system at the present day. With respect to the Bill proposed by the hon. Member, I cannot say that it may not be useful in some of its provisions; yet it does not appear to me to do much, if anything, beyond what may be done by the bill at present in operation. As to the general working of the Act of last Session, how had it worked? The hon. Member thinks that a small proportion of the counties have adopted it. That bill was only passed in August last, and it might reasonably be expected, that the magistrates of counties would be disposed, for the greater part, to wait a little, and see how their neighbours fared, who had in the first instance adopted it. If out of the forty counties of England, thirteen have adopted it, which is more than one-fourth, I think that more has been realised than could have been expected. But, beside that, four of the Welch counties had also adopted it: and, so far from being dissatisfied, I think the Act will be adopted in future by all the others. I will not say that the system under that Act is perfect —nor do I think that any advantage would follow from a reference of the whole question to a select committee. The constabulary commissioners did investigate this question, and brought out important facts, and, amongst others, that, should the bill of last year be effectually carried out in all the counties, there will be a great saving to individuals. I did not propose the bill of last year as a perfect system, for I thought that a general force, which would be under the control of commissioners, and payable out of the consolidated fund, would be a better system than the present. However, I had no wish to press my own personal opinion against that of the committee. I think, nevertheless, that the Act of last year, with such improvements as may be necessary, will enable the magistrates to provide efficiently for the peace and order of their several counties. The introduction of the bill now brought in by my hon. Friend, will not, I think, be of any essential service in settling the question.

Mr. *Plumptre* was quite convinced that the old constabulary force would never exercise a proper supervision over ale and beer shops. He thought, this was one of the chief objections to the proposed bill of the hon. Member. It was necessary that they should have a force, which they should call the police of the country. The very certainty of its being known that these men had nothing else to do but look after the rogues and vagabonds, would act as a great preventive of the evils which existed under the old system.

Mr. *E. Rice* said, that the bill of last Session was not applicable to agricultural counties. He should be very anxious that the hon. Member's proposition should be fairly canvassed. He thought the expense of the bill of last Session would be very greatly lessened by a clause to be introduced, giving power to appoint special constables. Still he doubted the applicability of the bill of last Session to agricultural counties.

Mr. *F. Maule* hoped that his hon. Friend would take an early opportunity of taking the sense of the House on this question. It was but just that all parties should have but one system of police to look to, and one system alone. He did not think that it would be attended with advantage to refer the improvement of the constabulary to any select committee of the House —the former committee had given them all the information they wanted on this subject. He trusted that the improvements to be introduced would render the bill of last Session more applicable to agricultural counties.

Sir *H. Verney* said, that at present agricultural counties might refuse the bill of last Session, and say, "We won't have it, because of the expense;" and he thought, if that was remedied, it would be be of great advantage, and render the bill a good bill. The whole country contributed towards the aggregate amount of crime, and the whole country should contribute to suppress it. Besides, generally in the larger towns, the police had driven the greatest vagabonds from them into the country, and therefore he thought all the country ought fairly to bear its proportion of the burden—establishing a good police in the country for suppressing the general amount of crime.

Mr. *Gally Knight* had no intention to oppose the introduction of this measure, but he thought that the old mode of appointing the constabulary, did not render it efficient. The constables generally followed some trade or occupation, and were elected only for a year. He quite concurred with the hon. Member who had spoken last, relative to the expense of adopting the bill of last Session; and it was this which had prevented many counties from adopting it. He thought it ought to be considered whether a portion of the expense should not be paid out of the consolidated fund. He thought generally, that the bill ought to have been made compulsory; and that a quarter of the expense ought to be paid out of the consolidated fund.

Mr. *Hume* thought nothing could be

more unjust than the present system of taking money out of the pockets of the rate-payers in the agricultural districts for such a purpose, without check or control. He thought they should have the same voice in the expenditure of the rate as the people of towns.

Leave given.

PUBLIC RECORDS.] Mr. *Protheroe*, in pursuance of the notice which he had given, moved for "A return of all the expenditure in detail of the late record commission, and the date of the last returns; together with a return of the various sums otherwise expended within the last year on the custody or repairs of the public records." The hon. Gentleman said, he did not believe there would be any objection to his motion; but he wished to avail himself of that opportunity to put a question to the hon. Gentleman the Under Secretary for the Home Department, as to when they were to have the report of the keeper and deputy-keeper of the public records laid upon the table of that House? He had been a member of the commission on public records, and, although it gave him great satisfaction to know that that commission was at an end, he felt a corresponding regret to think that no report had been received from the parties in whose custody the public records now were for the last two years. When the question of the destruction of some records—records of the customs of former years, and which he believed were really of no use—came under discussion by the commissioners, he strenuously resisted their destruction. He thought that it was wrong to destroy records of any kind, and he should be glad to know that means had been taken by which the safety of the whole of the public records, whether considered useless or otherwise, could be secured. The Act of Parliament under which the keeper and deputy-keeper of the records were appointed required that they should report on the state of the public records annually. This, however, they had not condescended to do, and unless the report were laid upon the table of the House before the miscellaneous estimates were brought forward, so that he could see how the matter was now managed, he certainly should oppose the vote on the subject. The question which he wished to ask the hon. Gentleman was, when the report of the keeper and deputy-keeper of records for the years 1839 and 1840 was intended to be laid upon the table of that House?

Mr. *Fox Maule* in reply, said, that he had received a communication from the deputy-keeper of records, in which he stated that the reason no report had been made during the last two years was, because a difficulty had sprung up which had prevented it. He said, however, that it was hoped in a very short time to make a report embracing both years.

Colonel *Sibthorp* was not aware that this commission had expired, but he was most happy to hear it. He thought it high time that a select committee had been appointed to inquire with respect to the expense of the multifarious commissions which had been appointed by the present Government. When the returns for which he had moved were laid before the House he was convinced that the country would be astonished at the enormous sums which had been absorbed by those commissions; and as soon as he obtained those returns it was his intention to move for the appointment of a select committee, on which occasion he hoped to have the support of the hon. Member opposite.

Sir *R. Peel* said—Sir, I wish to avail myself of this opportunity to ask the hon. Gentleman the Under-Secretary for the Home Department whether the criminal law commission is still in existence, and, if so, whether any private report has been received from that commission? There was such a commission, and it was to report as to the expediency of establishing a code embracing the unwritten as well as the statute criminal law. If this commission still exists, what I wish to know from the hon. Gentleman is, when the commissioners are expected to make a final report? With respect to the destruction of records, alluded to by the hon. Gentleman opposite, I must say, that I think it would be highly satisfactory if a public inquiry on the subject were to take place. There may be much exaggeration in the notions formed of the value of the records which are said to have been destroyed. It is very possible that no record of any value has been destroyed, but still I think that a select committee should be appointed for the satisfaction of the public, to ascertain by what authority any portion of the public records have been destroyed, and what the records were which were so destroyed. For my own part, I think it very unadvisable to destroy any portion of the public records which may tend to throw light on the antiquities of the country: and as the appointment of a select committee is the only way to satisfy the public mind on the subject, I should hope that some hon. Member, who was a member of the commission, will submit such a motion to the House.

Mr. *Protheroe* perfectly concurred in what had fallen from the right hon. Baronet, and he must say, that the reason given by the hon. Gentleman for the non-production of this report, was the worst he had ever heard in his life. If there were any difficulty in the case, it was a difficulty which had arisen in consequence of the keeper and deputy-keeper of the records doing nothing instead of attending to the preservation of the records. He should not neglect the suggestion of the right hon. Baronet. He begged to remark, that the record commission was extinct. The hon. Member then moved for a return of all the expenditure in detail of the late record commission since the date of the last returns, together with a return of the various sums otherwise expended within the last year on the custody or repairs of the public records.

Lord *John Russell* said, it might be supposed, from what had been said, that the Record Commission was now in existence, and were answerable for those records that had been destroyed. But, on a former occasion, he had himself observed, whatever might have been the merits or faults of the Record Commission, that when that commission expired at the demise of the Crown, he did not think it necessary to advise the Crown to re-appoint it. Therefore no commission had existed from that period. The Parliament agreed that there should be a keeper and a deputy keeper of the records. The present keeper, as arranged by act of Parliament, was the Master of the Rolls, and he had the power, with the consent and approbation of the Secretary of State, to appoint a deputy-keeper. The person appointed deputy was Sir Francis Palsgrave. He did not think that any one would say, that those persons were not extremely competent to exercise a sound judgment upon matters under their superintendence. But with regard to the destruction of the records, he believed that those documents were not in the keeping of the Master of the Rolls or the deputy-keeper, nor under their control. He agreed with the right hon. Baronet, that it was a fit subject of inquiry as to what were the reasons why any historical documents should have been allowed to be destroyed, and not placed in the custody of the commissioners, or in the Museum, or in some other public establishment, where there would be no risk of the destruction of anything really valuable. With respect to the question of the right hon. Baronet in regard to the commission on criminal law, these commissioners had gone through a great many heads of the criminal law, and had made a digest of them; and when he was referred to, his recommendation was, that the commissioners should continue their labours until they had gone through the whole subject. But with regard to the other question, namely, whether the commissioners were to reduce into a code of statute all the unwritten law of this country, he owned that he did consider that that was a question of such complexity that the commission ought not to be continued for that purpose. At the same time he ought to state that these commissioners did not receive annual pay. When they had formed a digest of the statutes, and produced a report, they then received payment for the report thus given to the Crown. The public, therefore, had no annual salaries to pay. He expected before long that one or two more reports would be made, and then the labours of the commission would be concluded.

Return ordered.

HOUSE OF COMMONS,

Wednesday, March 25, 1840.

Minutes.] Petitions presented. By Messrs. Grimstone, Walker, Muntz, James, Easthope, Packe, Grote, Brotherton, Ewart, Pattison, G. W. Wood, Lambton, Sir G. Strickland, Sir H. Parnell, Sir W. Somerville, Captain Wemyss, and Major Aglionby, from a great number of places, for, and by Messrs. Hawley, Tadcaster, Hodges, W. Duncombe, Kemble, Harland, Sir R. Peel, and Sir T. Acland, from a very great number of places, against, the Immediate and Total Repeal of the Corn-laws.—By Sir J. Walsh, from one place, against any Grant to Maynooth College.—By Mr. Muntz, from Glasgow, and Mr. Eliot, from other places, for Universal Suffrage, and Vote by Ballot.—By Captain Wemyss, from several places, for the Release of John Thorogood, and the Abolition of Church Rates; and from other places, for Non-Intrusion.—By Sir C. Grey, from the Anti-Slavery Society of North Shields, against the Importation of Hill Coolies into any British Colony.—By Mr. Mackenzie, from several places, in favour of Non-Intrusion.—By Mr. Kemble, from a place in London, and Mr. Pemberton, from several places, for, and by Mr. Hawes, from a great number of Dissenters, against, Church Extension.—By Mr. Wakley, from thirteen places in Scotland, for Universal Suffrage.—By Mr. Ellis, from Armagh, for Non-Intrusion.—By Mr. Ewart, from one place, for Vote by Ballot.

REGISTRATION OF VOTERS (IRELAND).] Lord Stanley moved the Order of the Day for the second reading of the Registration of Voters (Ireland) Bill.

Mr. *F. French* said, the very object of this bill being professedly to assimilate the law of registration in Ireland to that of England, it became important to consider whether the law was satisfactory in this country, and likely to be permanent; neither of which would, he believed, on inquiry, turn out to be the fact. Strong objections against the English system of registration had not only been urged out of the House, but also within the House, and measures to alter it were introduced in 1833 and the five successive years. In 1836, a measure for that purpose received the sanction of this House, but, from certain alterations proposed in the House of Lords, it did not pass into a law. Early in 1837, another measure of the same kind was introduced, but was not proceeded with, the noble Lord, the Secretary for the Home Department declaring he saw no reason to imagine that the House of Lords would pursue a course different from that of the preceding session. In 1838, another bill was brought in, but experienced a similar fate. All parties, Whig, Tory, and Radical, had concurred in the condemnation of that law; and if an assimilation were to take place at all, let it be a beneficial one, and not an assimilation to a system which was universally condemned. In 1831, the noble Lord, the Member for North Lancashire, proposed a system of registration for Ireland which was not in force in this country; but afterwards abandoned it, because he wished to see first how the system in this country worked. That system had been tried, and had proved expensive, vexatious, and unsatisfactory; and yet the noble Lord now proposed to extend it to Ireland. Could he be surprised, then, if they declined to receive it, or that they obstructed it, as they were determined to do, by every means in their power? Independent of his objections to the bill itself, it appeared to him inexpedient to enter into the question of registration, unless they were prepared, as the noble Lord was not, to come to a satisfactory arrangement of certain doubts which had arisen as to the construction of the Reform Act, in respect of the qualification of voters. Among the points to which he alluded were the questions relative to the claims of persons who had acquired certain corporate rights since the passing of the Reform Act, and of persons occupying as joint tenants; but that which he considered the most important point, related to the mode of estimating the beneficial interest which parties, claiming to be put on the registry, had in their premises. In the bill introduced by the noble Lord, the Secretary for Ireland, those doubts which had, he believed, in most instances, practically restricted the franchise in Ireland, and been productive of much protracted and vexatious litigation and expense, were explained, and unless a similar course were adopted in this bill, it would be, with an undefined franchise and a double appeal, an act for curtailing the franchise, instead of one for regulating its registration. There were many objections to this bill, such as the necessity it placed the voter under of twice in each year having to defend his franchise, the amount of costs, and the clashing of the October quarter sessions with that for registration, should the annual revision be left to the assistant-barristers. He must earnestly protest, too, against the onerous and objectionable duties thrown on the judges by this bill. How impossible it was for the judges, in the limited time they had at their disposal during the spring assizes, to decide on these appeals, was shown in Sligo, where, notwithstanding the exertions of the judges, two-thirds of the cases yet remained untried. He objected, then, to this bill, 1st, because it assimilated the law to the system of England, which had been unanimously condemned; 2dly, because under the plea of regulating the registration, it would tend to limit the right of voting in a country where the franchise was already too much restricted; and, 3dly, because it would throw on the judges duties which it was physically impossible they could discharge, and which it was politically objectionable they should undertake. He should, therefore, move that this bill be read a second time this day six months.

Mr. *Shaw* said, that the speech of his hon. Friend had not relieved him from the difficulty under which he had entered the House, of conceiving upon what grounds hon. Gentlemen opposite could oppose the second reading of the bill. Consistently with their own declarations and former acts upon the subject, it was impossible that they could object to the principle of the measure. They would not, by the second reading, be bound to its details, and in committee they might propose to alter, to add to, or to omit from it, as might best suit their own particular views. But, from the Session of 1835 to the present time, the successive law officers of the Irish Government, and the noble Lord, the Secretary for Ireland, had brought in bills, and they had been supported by the hon. and learned Gentleman, the Member for Dublin, and the other hon. Members on the opposite side who usually took part in such measures, which bills contained every provision which could be said to form the principle of the present one. These were—annual revision of the registration, appeal to the judge both ways, that was, as well against improper admission as improper rejection; and then, that such decision should be conclusive even as against a committee of that House. Now, these very propositions were to be found in the Irish Registration Bill introduced by Sergeant O'Loghlen, now Master of the Rolls, and Sergeant, now Judge, Perrin, in 1835; in the bill introduced by Sergeant O'Loghlen, and the noble Lord opposite, the Secretary for Ireland (Lord Morpeth) in 1836; again, in the bill of the noble Lord and Mr. Woulfe, now Chief Baron, in 1838; and lastly, in a bill brought in by the hon. Member for Limerick (Mr. Smith O'Brien), Sir Denham Norreys, and Mr. Wyse, now a Member of her Majesty's Government, in 1839; and was it possible, then, that the present Government, the noble Lord (Lord Morpeth), and several of those whose names were to be found on the bills to which he alluded, could vote against the second reading of the bill of his noble Friend, founded on the very same principle? But it was said, that it was not on account of those principles, but others, which were omitted from that bill, that the former bills had been supported. Upon that point, he would call as a witness, the hon. and learned Gentleman himself (Mr. O'Connell). On the 11th of August, 1835, the hon. and learned Gentleman was reported to have said, in reference to the bill of Messrs O'Loghlen and Perrin, read a first time that day,

> "Such an act as the present will not only be beneficial, but is absolutely necessary. It provides for an annual revision, and gives an appeal both ways, whilst there is at present only an appeal for those whose claims are rejected. I trust therefore that it will be allowed to go into committee, as a measure calculated to save the expense and inconvenience of scrutinizing votes before election committees." "This bill, however, is calculated to put an end to all this (the canvassing for election committees), in making the vote of every party conclusive for twelve months, with an appeal to the judges, and as its principle has been approved of, even by hon. Members opposite, I trust that it will be allowed to go into committee."

The same argument which the hon. and learned Gentleman then used he would now press upon the House. But it appeared that the hon. and learned Member had since changed his mind upon the subject, for in a speech which he made to his constituents in Dublin no longer ago than Thursday last, and which he found reported in the *Pilot* newspaper, a journal whose authority would not, he supposed, be questioned by the hon. and learned Member, the hon. and learned Member said,

> "I will oppose the bill with all my energy."

For what reason, did the House imagine? Why this—

> "For it is almost sufficient evidence, that it will be injurious to Ireland to have originated with Stanley."

That appeared to be the only reason given by the hon. and learned Member for his opposition to the bill. The hon. and learned Member then said,

> "In 1834 (it ought to have been 1835), O'Loghlen, the present Master of the Rolls, brought in a bill to amend the registration of voters in Ireland, to make the registry conclusive, to give the right of appeal both ways, and to have the registration annually. The bill contained a declaration of the beneficial interest which would put all ambiguity upon that important point out of the question."

He did not doubt that that declaration was the principal reason why the hon. and learned Gentleman supported the former measure; but that was not the reason the hon. and learned Gentleman assigned; and that provision to which he objected was a change in the Reform Bill, and not matter for a mere Registration Bill. The hon. and learned Gentleman continued—

> "Upon consideration, I found I had done

wrong in acceding to such a bill. I was wrong in advocating the appeal both ways, and the system of annual registration."

There was another part of the speech to which he begged to call the attention of the noble Lord, the Secretary for Ireland. The hon. and learned Member said,

> "I dare them to pass such a measure. I defy them to give us this bill. They dare not do it?

Did this passage touch the noble Lord's feelings? The hon. and learned Member went on to say,

> "This, then, will be my course—I will move that the bill be read that day six months."

The hon. and learned Member had not performed his promise in this respect. What was his next threat? Why this,

> "If I am defeated in that motion, I will use every means which the usages of the House of Commons give me to prevent the people of Ireland from being crushed and weighed down by its oppressive principles."

Those principles being the same which in 1835 the hon. and learned Member himself advocated.

> "If I fail in that," continued the hon. and learned Member, "I will call into life again the Repeal Association."

And this was described as being received with tremendous cheering. So the hon. and learned Member was forced to resort again to the old bugbear with which it was his custom to frighten old women and children. Were these the motives and principles by which the fate of the bill was to be decided? It might be very possible that the noble Lord (Lord Morpeth) and her Majesty's Ministers, without being at all convinced by the reasoning, might be forced to yield to the threats, of the hon. and learned Gentleman, and that while at the same time satisfied of the justice and necessity of the present bill, and their own inconsistency in opposing it. But he would appeal to independent Members who sat on the opposite side of the House, who he trusted would not suffer themselves to be influenced by such considerations. He would not trouble them with any of the detailed intricacies of the present system of the registry in Ireland, but simply refer them to what were notorious defects, and which it was the object of the present bill to remedy. It was admitted on all hands, and none could deny, that there were at the present moment many fictitious and fraudulent votes registered in Ireland, and that it was most desirable and just that the registry should be purified from these, and that the same evil should be prevented for the future. Let it be recollected, that a vote under the existing law in Ireland, however fraudulently established or improperly admitted, must remain upon the registry for eight years; and upon the production of the former certificate might be renewed from eight years to eight years, and so perpetuated without question or appeal, except to the very uncertain and expensive tribunal of an Election Committee of that House, and then even subject to the preliminary question whether or not the registry should be opened. Then with regard to the system of certificates, many might exist at the same time for the same franchise; and towards the end of the eight years' period of registration must unavoidably. He, for instance, had at the present time six certificates for only three places where he had the right of voting; for, six months' registration being requisite before an election, and seven years of the period having elapsed since 1822, he had registered in order to be qualified to vote when the eight years expired; and if fraudulently disposed, he might lend the duplicate certificates to another person to vote while the eight years lasted, and which he could not doubt was a very common practice, as well as the use of such certificates when the real voter was dead or absent. There was no Gentleman who had served on an Irish Election Committee, or who had looked into the proceedings of the Irish Fictitious Votes Committee, and still less any one practically acquainted with the working of the present system in Ireland, who must not be aware of the frauds and perjury, and long train of consequential evils to which it led. He sincerely believed, that to put an end to these, to give every facility to the *bonâ fide* voter to register his vote, and to protect him from vexatious objections, was the sole and single object of his noble Friend the Member for North Lancashire. The hon. and learned Gentleman might doubt, but he had the most perfect faith in the sincerity of his noble Friend (Lord Stanley). The bill did not limit or abridge any franchise, as stated by the hon. Gentleman (Mr. French), nor was it a bill to assimilate the law in Ireland to that in England, but simply to amend defects in the registration, which had been admitted by hon. Gentlemen opposite themselves. He would not then advert to objections or proposed alterations, which could be more properly considered in committee; but upon the grounds which he had already stated, and upon every principle of fairness and consistency, he called upon the House to give the bill a second reading.

Mr. *W. S. O'Brien* felt called upon to address the House on account of the allusions made by the hon. and learned Gentleman who had just sat down, to the course which he had pursued with respect to bills having objects in some degree resembling those of the measure now before the House. There could be no doubt that the present system was injurious to all parties, and that legislation upon the subject was most desirable. He should, therefore, be disposed to support the second reading of this bill, if he thought that it would be likely to substitute a better system for that which now existed; but he confessed, that looking at the general scope and design of the measure, he could not arrive at any such conclusion. There were two objects which it should be the aim of a bill of this description to accomplish; the first was, to provide that no person should be placed upon the register, who was not entitled to the franchise; and the second was to give every facility for the acquisition of the franchise by those who were entitled to exercise it, and to put an end to any vexatious opposition that might be offered to their claims. He found that some provision was made in the bill, to attain the former of these objects, but that the latter was altogether kept out of view. It was not certainly a circumstance likely to inspire confidence on that side of the House, that the present measure was supported by those who desired to limit, and not to extend, the franchise; but when the noble Lord the Member for North Lancashire, instead of attempting to improve the English system of registration, proposed to introduce its worst imperfections into Ireland, it was impossible to help coming to the conclusion that the noble Lord was induced to do so by finding that the English system worked advantageously for his party, while that of Ireland had proved adverse to them. He (Mr. O'Brien) would vote for any measure which would put down fictitious votes in Ireland, and he felt convinced that the effect of such a measure would be to strengthen the Liberal party, but at the same time he could not support a bill which did not give at least the same facilities as now existed for the acquisition of the franchise by the *bonâ fide* voter. With regard to the details of the bill, and the question was one which depended on the nature of these details, he would observe in the first place, that the noble Lord had in the provisions of his measure broken the promise which he had given to the House, that the bill should not disturb the franchise established by the Reform Act. The clause empowering the assistant-barrister to expunge the names of voters who were entered as defaulters by the collectors of rates and taxes were not consistent with that promise of the noble Lord. The noble Lord had also disclaimed any intention to legislate *ex post facto*, but the provisions of the bill did not accord with the noble Lord's disclaimer, for by those provisions it was necessary that a list should be made out of the persons at present registered, containing many particulars which were not required to be set forth by the Reform Bill. If, therefore, a failure was made in setting out any of those particulars, the voter would be disfranchised by an *ex post facto* law, notwithstanding the noble Lord's declaration to the contrary. The noble Lord had got rid of one of the objections to the English system by throwing upon the party objecting, the burden of substantiating his objection; but then the noble Lord neutralized this advantage by imposing a penalty upon a man for seeking to establish a constitutional right, when it was well known that questions of election law were often so difficult that lawyers themselves could not determine them. It was said that the present bill was similar to that which he (Mr. O'Brien) had introduced, but he had taken care to introduce into his measure a provision which he considered most essential, and which protected voters who had once established the validity of their qualifications from further objections, so long as the qualifications remained the same. With respect to the appellate jurisdiction, the noble Lord had adopted that form of appeal, which of all others would be the most vexatious and expensive; nor would the present number of the judges be sufficient to overtake the vast number of appeals which, upon factious grounds, would be brought under this bill, particularly as costs might be given against the voter. He thought the Government was right in resisting a bill framed apparently for the purpose of limiting the franchise, and preventing its acquisition by the *bonâ fide* freeholders of Ireland. He did not, however, despair that Ministers would be enabled shortly to introduce a measure upon this subject free from the objections to which he had alluded. If the present bill had been introduced upon factious grounds, he hoped the noble Lord would be defeated. If he wished to apply himself to practical legislation, why did he not grapple with the evils of the English system of registration, and when he had succeeded in devising a perfect scheme, let him then, but not before, seek to apply it to Ireland.

Lord *G. Somerset* thought the latter observations of the hon. Member opposite totally uncalled for. English Members had often been reproached for not taking sufficient interest in the affairs of Ireland, and now they were to be blamed for interfering with them, and told to look to England before they attempted to legislate for Ireland. He had found, that there was but one opinion upon the committee, that the irregularity in the registration required some immediate and stringent remedy, and he thought, that the Gentlemen connected with Ireland so far from complaining of the measure, ought to be grateful to his noble Friend, the Member for Lancashire, for bringing the subject under the consideration of the House, and giving the Legislature an opportunity of correcting any practical defects in the existing system. It might be a very good argument for the hon. and learned Member for Dublin, to say that the name of the noble Lord, the Member for Lancashire, on the back of the bill was sufficient to condemn it; but the House was to consider, whether the hon. and learned Member himself had correctly stated the fact, when he said, that the present mode of registration was bad, and whether it was necessary to adopt some means for remedying the evil. The present question did not implicate the House in an approval of the details of the bill. If the motion was agreed to the House would only pledge itself, that the present mode of registration was defective, and required alteration. The hon. Member for Roscommon said he objected to the bill, because it assimilated the system of Ireland with that of England. But this was not the case; but it was no reason because the system in England was not always applicable to Ireland, that there might not be cases in which it might be beneficially assimilated. The hon. Member taunted hon. Members on that side of the House for not applying themselves to the improvement of the English registration. Did he recollect, that two or three Sessions ago a committee was appointed, composed equally of Members on each side of the House, to consider the system of English registration, and to propose alterations in it, and that they had instructed the chairman to bring in a bill, but it was abandoned by Gentlemen on that side of the House because it was sought to make it the medium of furthering party objects? The hon. Member objected that persons should vote who had not a certain qualification. That was the object of the persons who supported this bill, and a great advantage was introduced in it by providing that, instead of dragging persons before a committee of the House, means should be taken to prevent improper persons being placed upon the registry, but when they were so inserted under legal authority they should not be impugned by a committee of that House. The hon. Member stated great objections to the appellate jurisdiction of the judges, because they would not have time sufficient for the purpose; but he hoped care would be taken to allow sufficient time, and if it should be found the number was so great that it was impossible for them to discharge their duties, the House would, doubtless, as in other similar cases, provide a remedy. He objected to their going into these minor matters of detail on the second reading of the bill, because when they went into committee there could be no objection to the modification of these points. There was one principle of the bill which had been approved of by all, namely making the revision annual instead of four times a year. The hon. Member for Roscommon admitted, that some change in the registration was necessary, and therefore he and all those who thought with him were bound to go into committee. It was on these grounds that he should give his decided support to the second reading.

Mr. *Bellew* said: Sir, the bill at present before us ought, in my opinion, to be headed, "A bill to limit, restrain, and, as far as may be, abrogate the elective franchise as at present existing in Ireland." But it is a fit companion for the Irish Reform Bill of the noble Lord, in which, as a favour to the Irish people, he gave a second member to Trinity College, and added a new franchise (that of copyhold), of so extensive a nature, that there was exactly one individual in Ireland who could take advantage of it. On the face of the bill, indeed, all is fair and reasonable. It is only reducing to practice the assimilation principle, of which we hear so much in this House, and of which we profit so little. But in most questions there is an essential difference between theory and practice, and it often happens when the one promises every possible advantage the other presents numerous evils. So it is in the present case. The noble Lord, in his anxiety to produce a uniformity in the system of registration in both countries, would effect very different results, and would in reality be most materially interfering with the franchises of the Irish constituencies. What, I ask, was the professed object of the Irish Reform Bill?—to give full and fair expression in this House to the opinions of the Irish people. Is this object best effected by the law as it at present stands or by the bill of the noble Lord? Who calls for this bill? Not the Irish electors. On the contrary, there have been numerous petitions presented this Session for the extension of the franchise, which it is alleged is every day curtailed by those influences to which this bill would give such increased effect. Its provisions seem, in a great measure, copied from the suggestions contained in the evidence of the fictitious votes committee that sat in 1837, and are the natural results of the questions asked by one of the hon. Members for Belfast, who is also president of the Belfast Conservative Society, and of the answers given by Mr. John Bates, secretary and registering attorney to the same body; and amongst other claims to the favour of the Irish people, I observe this bill bears upon it the name of that hon. Member, whose only indication of political existence during the recess, consisted in going a considerable distance from his own part of the country to the town of Newry, to give the toast of the "glorious memory," and thus insult his Catholic countrymen. But Toryism is now grown old and wary; it has learned that the people are not to be cajoled by the old arts; its maxims are the result of long observation, and are to change things without changing names. Accordingly, the noble Lord, acting upon this principle, does not alter the franchise in words. He fears that might be a precedent on this side of the House for extension. He does not alter the franchise, but he renders the difficulty of obtaining it so great, that he equally effects his object. Grattan, in one of his speeches, talks of a court instrument that murders freedom without the sign of blood — a borough Parliament; and the noble Lord would, by his present bill, effect a somewhat similar result. But it is said this bill very nearly resembles the bills brought forward in former Sessions. In my opinion, it possesses the faults of every previous attempt at legislation on the subject, without any redeeming quality. There have been three bills introduced before the present one. Each of those bills contained favourable provisions with regard to the beneficial interest question Each of those bills confined the annual revision of the existing registry to matters which occurred since the former registry. The appeal against existing registries was not, I am aware, limited, as on the revision, to matters occurring since the registry, but the revision rolls. The present bill appears to give the power of revision, not only as to what occurred since the registry, but as to the original right of registry. By the former bills, no person admitted as a freeman since March, 1831, in right of birth, marriage, or servitude, was to be allowed, unless such right had been acted on within twenty years; and the ninth section of the Reform Bill was held only to apply to such individuals in corporations as were at that time entitled to vote. The 18th section, with regard to magistrates memorialising for additional places of registry, is a complete mockery. The real object, under the appearance of conferring a right seems to be to take away the power possessed at present by the privy council; and the inconsistency of the proceeding is, that with regard to registries, in which magistrates have no particular interest, you give the power; with regard to additional quarter sessions—a matter immediately connected with the administration of justice—you leave the appointment in the hands of the Lord-lieutenant and council. The 29th section contains the extraordinary provision that a claimant may be made to pay costs, if the barrister should determine he had no right to register. Now, not having a lease with the proper stamp, or not producing some deed, or the name of the claimant being on the list, and his not appearing to urge his claim, may all be considered by the barrister good and valid reasons, not, remember, to prevent a man obtaining the franchise, but to punish him for attempting to seek it. Then, there is the appeal to the judge, which makes it a half-yearly, instead of an annual revision, and, as if that was not enough, frees the judge from the incumbrance of a jury. I am aware that one of the former bills contained this last provision, which, however, I think a very bad one. There is, in fact, a perverse ingenuity in this bill, which would, under one or other of its clauses, render popular representation in Ireland a farce. Why, the form of notice alone required by the ninth clause would prevent numbers from ever thinking of preferring their claims. The power, too, given to summon witnesses from any part of the country would be made a continual source of vexation and annoyance to any poor man residing in the neighbourhood of a voter; and here recollect another gross hardship — witnesses may be summoned against the claimant, but he has no power to summon any one in his favour. But, Sir, I shall not go any further into those details. The main, the essential feature in which all the Government bills differed from the present one, was the manner in which the beneficial interest of the voter was to be estimated. Why, Sir, it might as well have been said that if the noble Lord, at the time of the emancipation bill, had adopted only that part of the measure which went to the suppression of the Catholic Association, that he had carried out the intention of that bill, as to compare this bill with the bills previously introduced to the House. But, now, with regard to the assimilation of the laws in the two countries, I can imagine the noble Lord sitting down, musing with himself and saying, "what can I do for Ireland. Let us see what we have got, that Ireland has not, and who knows but we may set all right by supplying it." But, then, I ask, is it intended to give us the English franchise, as well as the machinery for ascertaining what that franchise is? The computation at the time of the Reform Bill was, that half a million of voters would be added to the constituent body of the empire. That the number was considerably overrated, then, is, I believe, now little doubted. I remember the Duke of Buckingham at that time, speaking of the metropolitan boroughs, stated that every pauper in London would have a vote, and cautioned the hon. Baronet the Member for North Wiltshire against giving a beggar a penny as he crossed the street, lest by so doing he might be bribing an elector. The Irish Solicitor-General stated the probable number of electors in Dublin at 18,000. What is the fact? They are at present under 10,000. It was at first intended that sixty-two Members should be taken away from the whole number of this House. This would have given a great advantage to Ireland, and was I fear, principally on that occount opposed. But though General Gascoyne, by his motion, negatived this plan, he stated himself as desirous of giving four members to all towns of 150,000 inhabitants, and two, as well as I recollect, to all towns of 13,000 inhabitants, which would have given at least ten members more to Ireland. There were I believe, seventeen English counties which got an addition of two Members each. No county in Ireland, though containing treble their population, obtained one. The noble Lord himself, on bringing forward the Irish Reform Bill admitted, as well he might, that the increase of the representatives was small, but that the increase of the constituency would be very considerable. Whatever that increase was, it had been materially reduced; and to night we have the noble Lord endeavouring still further to cripple and maim what remains of the franchise. I ask, then, is the number of Irish electors greater than it was at the time of the Reform Bill. On the contrary, they are at least one third less. What is the number in Mayo; 1,700 or 1,800, in a population of 400,000; something better than two per cent. Are they less fit for the enjoyment of the franchise than they were ten years ago? On the contrary, there never was a time when there was such great and permanent improvement in Ireland as within the last few years. Look at the improvement in agriculture, the spread of education, the freedom from crime, the universal adoption of habits of temperance, though I am aware that some hon. and learned Members think sobriety and tranquillity on the part of Irishmen a very suspicious proceeding, and hint darkly that an awful future lurks under this apparently most gratifying state of things. It is very well to talk of the fairness of having an annual revision; but is not, I ask, the expensive litigation and the practical injustice which it works a subject of constant complaint in this country? Why, I am told that the annual expense of registering a county here is not less than 500*l.* If it is neglected by either party for a single year, a great part of this money is thrown away; but in Ireland there are objections to an annual revision, quite apart from the question of expense. Why, even now, when the registry is only once in eight years, the difficulties with which the Liberal voter has to contend are frightful. There is, in the first place, a general refusal to renew a lease to a Catholic tenant, if he attempts to register. A cool, steady, unvarying system of dispossessing Catholic tenants of their holdings, if they attempted to register, has been carried on ever since the passing of the Reform Bill. With what unflinching severity the stern decrees of Tory landlords, in this respect, are carried into effect? The scenes which have taken place in Carlow and Longford, and of which this House has cognizance, bear ample testimony how this bill would oblige the voter to face this persecution—for it can be called by no other name—eight times instead of once within the same period of time. Sir, I admit that it would be most desirable that certain points with regard to the registry in Ireland were explained and amended; with regard to the deductions to which the tenant is entitled; with regard to rent charges; with regard to some other test than the oath of the party concerned; but above all, with regard to the beneficial interest. Sir, I do not deny its defects in those respects; but it is with what I consider its merits, not its faults, the noble Lord quarrels. It is not its failings, but its powers, he dislikes. The interest of the noble Lord for the rights of the Irish electors is only to be equalled by the passion for constitutional liberty with which Gentlemen opposite were suddenly smitten last year on the subject of Jamaica. I remember in one of the Irish corporation debates the hon. Member for Wallingford objected that even a 10*l.* franchise would give a Catholic preponderance of power in the towns. If it had been 20*l.* or 30*l.* it would have been equally objectionable in his eyes, if it had the misfortune to be a Catholic twenty or thirty; and I cannot help thinking that the noble Lord's objection is somewhat of the same sort. I believe that if the Irish constituency returned a Tory majority instead of a majority which, to borrow the language of an hon. Member, is so distateful to the people of this country, we never should have had the advantage of the noble Lord's legislation this evening. The more ultra of the noble Lord's party have repeatedly told the public since the commencement of the session, that the hon. Member for Tamworth had disappointed his friends and supporters. The Dublin corporation and other bodies of the same political complexion, had expressed their opinions in no measured terms. The late Members for that city, gentlemen of station and rank, talk of the Reform Bill as an infamous measure, and protest that their minds are made up to oppose at all risks, and on all occasions, principles of conciliation and concession. Is it to win back the good opinion of such parties that the noble Lord introduces the present bill, or is it one of the claims of the future Government to the confidence of the Irish people? In one of the debates in 1793, in the Irish Parliament, it was observed that the Catholics must be anxious for the elective franchise, if it was only that they might be protected from being turned out of their farms to make way for Protestant freeholders. If this bill became law, the Catholics would be anxious not to have the franchise, for the very same reason. When at that time it was proposed to admit Catholics to seats in Parliament, it was urged, that to have the representatives Protestant was a necessary counterpoise to Catholic electors. The present opinion seems to be, that Protestant electors should be a counterpoise to Catholic Members. Let it not be supposed I am using vague general expressions on this subject. It is only necessary to consider who are the great antagonist parties in the registry courts in Ireland, to see how this bill will inevitably work. On the one hand, a powerful aristocracy of landlords, bent on the extinction of the elective franchise in their tenantry who will not vote as they dictate; on the other, the small, and often dependent farmers, extensive in numbers, but of humble means, who have, at every step of their painful progress to the court, to meet with losses and delays, to say nothing of the annoyances and obstacles they experience when they arrive there. From the stress laid upon revision and appeal, it might be supposed that by the present law any one that pleased walked into the court and registered. What is the fact?—why, that there is a regular bar employed at every quarter sessions, an attorney and counsel, frequently a very eminent one. Every claimant is sifted, witnesses and swearers in abundance are in attendance, and there is a cross examination of so rigorous a nature, that it alone is sufficient to deter, and undoubtedly does deter, numbers from coming forward. Annual revision, the double appeal, and the making a claimant liable to costs, are provisions, each and all of which aggravate instead of lessen, the present difficulties. The true policy, on the contrary, it appears to me, should be to give every facility to the acquisition of the franchise, and in Ireland this is doubly necessary; for, as sure as the legitimate expression of public opinion, through the electors, is sought to be stifled by thus reducing their numbers, recourse will be had to agitation as a measure of self-defence. In conclusion, I have only to repeat, that this bill is destructive to the elective franchise, encumbering the acquisition of what ought to be the easily acquired rights of every individual with vexatious and embarrassing forms and delays. It assumes the rejection, not the admission, of the claimant to be the great object of legislative care; and in its general principles, as well as its details, it exhibles that hostility to the rights of the Irish people which might naturally be expected in the quarter from whence it emanates.

Mr. *Redington* said, that the bill of the noble Lord was anything but a bill to amend the registration of voters in Ireland. Annual registration was objectionable in England, on account of the machinery of its working; but much more objectionable would it be in Ireland, from the peculiarity of tenures in that country. Until that difficult question, the value of the franchise, was settled, annual registration or revision, was a complete mockery.

Mr. *Lucas* said, the usual course in that House was to discuss the principle of a bill only on the second reading; but he had listened attentively to the arguments of hon. Gentlemen opposite, and found, that all their objections went to mere matters of detail. Some of the hon. Gentlemen had, indeed, said, that they objected to the principle, but not one of them had stated what that principle was. If they had, it would have been seen, that they differed widely from each other as to what the principle of the bill was. The principle of the bill, in his opinion, was to let in the light upon the registration, which, beyond all question, contained at present hundreds and thousands of fraudulent votes. No committee sat upon which one hundred such votes were not struck off. That being the admitted grievance, the bill sought to remedy it by giving every possible facility to the fair claimant, and every possible opportunity of inquiring into the claims at the spot most convenient to the voter. The tribunal, in the first instance, established by this bill was a tribunal to which the poor man could resort without difficulty, because it was near his own home and in the midst of his friends, and those who could prove his claim; and it was no objection that after there had been a decision by that tribunal there was no appeal to the judges of assize, and that the second tribunal was not close to the voter's locality, because, he would ask, was a Committee of that House near the voter's locality? He had some experience on that subject, for he had suffered twenty-six days under the infliction of a committee, and upon that occasion, 600 voters who had voted against him had been summoned to come here instead of going before the judge of assize; and in a petition which they presented to Parliament they had complained, that having taken every means to prove and establish their franchise at home, it was the greatest of all hardships that they should be obliged to come to London to prove it again; and those Roman Catholic voters prayed for a remedy, and that grievance, amongst others, this bill sought to remove. Hon. Gentlemen objected to various provisions in the bill, but the mode of correcting them was not to throw out the bill, but to allow it to go into committee. The objection that the provision made with reference to costs would give rise to an array of attorneys in opposition to the rights of the poor, was, like all the others which had been started, entirely beside the present question, as it referred to matter of detail. The noble Lord, the Member for North Lancashire, had been taunted with not bringing in a similar bill for England, and it was said, that he probably would have done so, but that he found that the present law worked well for his party; but he begged to ask whether that observation did not apply with greater strength to hon. Gentleman opposite? At a long interval of legislation the noble Lord had come forward; but how many bills had the hon. Gentlemen opposite brought in? They had brought in five, and abandoned every one without any opposition being offered to them, though by the impression of their names on the back of the bill, they had thought legislation necessary. Besides, it applied more strongly to them because they were in power, and what they submitted, stood a good chance of being carried, at least, in that House. The noble Lord, the Secretary for Ireland, would not venture to say, that legislation for Ireland was not necessary. The great defect of the present system must be admitted, and the present bill was prepared as a remedy. It might be an efficient remedy or not; but for the sake of all fair argument, he begged hon. Gentlemen not to enter into the details of the bill upon the motion for the second reading.

Sir *W. Somerville* could assure the noble Lord that he had no desire to offer a factious opposition to the bill; he opposed it, because he did not think that it could be amended in committee so as to make it beneficial to Ireland. He opposed it on account of the principle of the bill—because he conceived that principle to be disfranchisement, and because he believed that the effect of it would be to disfranchise, not one-third, but three-fourths of the constituency of Ireland. He was far from saying that he approved of the present system; indeed, he thought that this very bill would introduce some improvements. Nothing could be more fair and reasonable than the provisions, which lengthened the necessary notice of objection, and empowered the Lord-lieutenant to appoint places of registry; but the kernel of the bill being the annual revision, and the double appeal, these improvements were matters of very minor importance; and he felt himself perfectly justified on account of those two main provisions, in giving his opposition to the second reading of the bill. The price at which they were to purchase those improvements was a price which far exceeded their value, and which he, for one, was not willing to pay. Were they to have the annual revision? Had it worked so well in England that it was now to be extended to Ireland? He went nowhere but he heard complaints that it had operated most vexatiously; and if that were the case in this country, what would it be in Ireland, where the poor voter was obliged to meet an array of attorneys; where his landlord, in most instances, knowing that he would exercise his franchise in opposition to his wishes, sat frowning upon him, and where nothing but the most exalted patriotism could make him come forward and claim his franchise at all? Yet this bill proposed that, year after year, he should undergo this ordeal. As to the double appeal to the judge of assize, this was not the first time that that proposition had been made; but in 1829 the right hon. Baronet, the Member for Tamworth, in his bill for disqualifying the 40*s.* freeholders, had introduced the single appeal to a jury, presided over by a judge of assize, as a concession to the popular party; and Lord Lyndhurst, in the House of Lords, had said, that if the appeal were given upon the registration generally to claims already admitted, it would give rise to contests of the most troublesome character. So would this bill give rise to contests of a troublesome and vexatious character, and the judges would be turned into mere registering officers, for he would venture to say, that there was not a 10*l.* freeholder who would not every year be dragged before the judge of assize. If that provision were to come into operation, another Spottiswoode subscription would disfranchise one-half of Ireland. They were bound to consider, too, the quarter from which the measure came, and the *animus* by which the noble Lord seemed to be actuated. The noble Lord said, that as a Member of Earl Grey's Government, he felt bound to come forward and attempt to remedy that evil. One thing the noble Lord was bound to do, and that was, to declare his opinion of the value of the franchise, because, if he did not, it would look very much as if the noble Lord wished to take advantage of the obscurity of his own bill, and the judges having decided one way, to make the appeal in all these cases to them. He gave the noble Lord credit for acting with sincerity when he was Secretary for Ireland in Lord Grey's Government; and he also gave him credit for sincerity in his present conduct. Now, the Lord was a prominent member of an anti-reforming Opposition, and as his object at that time had been to facilitate the registration in that country, so his object now must be, not to facilitate, but to obstruct and impede that registration. Hon. Gentlemen ought to be aware, that at this moment there was going on in Ireland a regular conspiracy of landlords for the total disfranchisement of the people. From the evidence given by Mr. Ford last year before the committee of the House of Lords to examine into the state of Ireland, it appeared that the landlords were getting up the old leases for fourteen years, giving new ones for thirteen years and a half, and frequently not giving any at all, the effect of which would be to disfranchise three-fourths of the people. He should, therefore, oppose the bill upon its principles, which were such as would lead to the disfranchisement of the people, and because it was neither open nor manly in its professions, and because it would increase the expence, the trouble, and the annoyance, which already existed to too great an extent. He had heard that "to do a great good," it might sometimes be lawful "to do a little wrong," but it was against all systems of morality that to produce a great evil they should think it enough to do a little benefit.

Mr. *J. Grattan* said, the effects of the noble Lord's bill would be to produce a degree of confusion and a state of things dreadful to contemplate. Ireland was becoming a little peaceable at present under the existing Government, but should such a bill pass, its effects would be to turn all to confusion again. The expense of the system now in operation was hard enough, and difficult to be borne once in eight years, but, should it be annually, it would be intolerable. He regretted to see that the question was about to be made a party one, and that his unfortunate country, which had been made the tool of parties for thirty years, should still be destined for that purpose. The present system of registration was no doubt objectionable, but it was better than that now proposed by the noble Lord. He never did advocate the annual registration, and he would never wish to see it introduced into Ireland. He should give to the bill of the noble Lord every opposition in his power during every one of its stages.

Mr. *Emerson Tennent*. The hon. Member who had just sat down had concluded the strongest speech yet delivered on the question in favour of an amendment of the law, by an avowal of his intention to give a vote upon the question, which was literally tantamount to a refusal of all interference upon it. He had assigned as a reason for no alteration whatsoever, the turmoil incident to an annual revision, and would prefer the system, odious as it was, in its present form, with all the accumulating abuses of years, to the trouble of annually correcting the abuses of a brief twelve months. From almost every Gentleman who had preceded the hon. Member for Wicklow, so far as the debate had proceeded, he had heard much which might with great propriety be urged by those who held peculiar views respecting the bill, against its details when in committee; but he must say, that he had yet heard no one broad or comprehensive argument against taking the great principle of the measure into consideration on a second reading. The real question before the House was not whether this or that clause was objectionable, or whether one or another provision was susceptible of amendment, but whether the House would recognise the principle that the present unparalleled condition of the Registry Law in Ireland required amendment, and whether they were prepared to introduce a bill for that purpose? Those who at once negatived that proposition—those who felt it their interest to continue matters as they were—he could at once understand why they voted against the second reading of the bill; but that those who admitted and avowed the existence of the evil, and who had year after year introduced and supported measures professing to extend a remedy to it—that those should now falsify their own admissions by negativing a proposition for the self-same object, would be to him a matter of some astonishment. And yet this was distinctly the proposition which the House was now called upon to affirm or to reject. He, in the very few observations which he had to offer to the House, would endeavour to confine himself strictly to this view of the question, and would avoid, as far as possible, all discussion of details, which would be much more appropriately reserved for another stage of the measure. There was no Member of the House (and in making this remark, he addressed himself indifferently to both sides of it), there was no Member who had served upon an Irish election committee when a scrutiny of the register had been instituted, or who had read the evidence given before the Fictious Votes Committee of 1837, who could posbly be ignorant of the monstrous inadequacies of the present system, and of the confusion, the uncertainty, the frauds, and the iniquity with which it abounded in its practical operation. But to give those who had not availed themselves of either of these opportunities of becoming acquainted with the facts, some idea of the grievance under which they laboured in Ireland, he would mention to them the single case of the town he had the honour to represent—Belfast. In that town, the present *bona fide* constituency legally entitled to vote, amounted to about 1,900 persons. But would the House credit it, that on the face of the register, they had no less than 6,000 names of ostensible electors, being the gross number registered and re-registered since the year 1832? Of these many hundreds were long since dead, others had emigrated to America or the colonies, others had become paupers and bankrupts, and thousands had lost their original qualifications by removing to other premises. But in each and in every case, the registration was nevertheless valid for eight years from the date of the original insertion of the name on the register, as no one name was, or could be, removed from the register, either from the fact of death or disqualification, nor could one single certificate be called in or cancelled. So that with the *bona fide* constituency he had just named, of 1,900, they had actually in Belfast upwards of 6,000 certificates capable of being presented at the booth, and any one of which, if presented, would entitle its holder to poll forthwith, without challenge or scrutiny. Now, he would put it to the good feeling of the House, was this a state of things that in common honesty and fairnes sought to be permitted to continue? Was it common justice that a candidate, no matter what his politics, willing to encounter the legitimate costs of a contest, should be compelled to come to the poll in such a state of uncertainty, and with such a temptation and fraud to encounter, as this state of things presented? To call out the real constituency from a list where four-sixths of the registered names were mere deceptions and men of straw—but who, nevertheless, might be spirited up to appear against him, leaving him no other remedy than the costly one—an appeal to a committee of the House of Commons? In this he might be corrected; he might be told he had likewise a penal protection in a prosecution for perjury; but this was not effectual as a preservation—in application it had been found an operation. It was true, that in cases of personation or manifest falsehood, such a prosecution could be maintained, and with probable success; but then, such was the indefinite nature of the law, that in nine cases out of ten it was impossible to prove to the satisfaction of a jury, that the perjury was deliberate and wilful, without which the penalties could not be applied. For instance, the most common case of which they had to complain was this. A man rents a house, and registers out of it in 1832; he removes to another without registering in 1833, or perhaps leaves the town altogether; but in 1834, he returns on the news of an election, obtaining from his landlord the key of the door, or some other colourable title to tenancy, and presents himself at the poll, to take the oath that "his qualification as a registered voter still continues," on which, as a matter of course, he must be admitted to vote, on producing his original certificate. This was a fraud which had been practised again and again, but in every instance where it had been tried, the prosecution for wilful perjury had failed, as the connivance of the landlord might have led to a belief in the offender's mind, that he had a technical, though no moral, title to swear himself a tenant. Had they, in such a case, in Ireland, as in England, the means of erasing the name of the party from the list so soon as his possession of the qualification had terminated, such a fraud could not be attempted; but this was only one out of a thousand instances of the mal-practices for which the present law offered interminable temptation and security. Gentlemen on the opposite side of the House, said they were opposed to this bill because they imagined, that it threw difficulties in the way of the elector getting upon the registry when he possessed the necessary qualification. His satisfaction with it, arose principally from its enabling him to get rid of his name from the register immediately on his having ceased to possess it. The annual purgation of the lists by the erasure of the dead and disqualified, was its chief and its leading recommendation in his eyes. At the same time he was by no means insensible to the other advantages in affording evidence which was not at present accessible for testing the original right of any claimant to be enrolled as an elector, and, so far from there being an impediment to a clearly entitled party, he could see no one provision regarding it in the bill which was not analogous to, if not identical with, the law of England, and which did not extend alike to both parties the means of access to the information requisite for investigating the title of their political opponents. There was no one of its provisions that did not apply alike to the whole community. It placed the *50l.* freeholder, so far as the investigation of his right was concerned, on the same footing as the *10l.* householder; and if, as was asserted, its enactments threw impediments in the way of obtaining the franchise, then it furnished weapons which could be as readily used against its promoters as by them. In the terms and conditions of the franchise, the amount of qualification and the payment of rates, it introduced no new principle, and imposed no new restriction, whilst, by increasing the number of places for registration, and bringing the barrister's court to the very door of the claimant—by giving the applicant a power to summon witnesses in support of his right, a power which he did not now possess—in giving him costs against vexatious objections to his title—and abolishing all fees now payable upon obtaining his franchise, facilities, instead of obstructions have been afforded to his admission. The annual revision, the necessity of serving a notice before instituting an objection, the temporary disfranchisement of parties whilst receiving parochial relief, and the substitution of a regular record as the register, instead of a bundle of loose affidavits, were all assimilations to the law of England, and regulations tending to the accuracy as well as impartiality of the franchise. And the main departure from the English law, and that which seemed to excite the greatest dissatisfaction, was the appeal from the assistant barrister to the judge of assize. The hon. Member for Limerick had admitted the exceeding difficulty of discovering any new tribunal to whom the appeal could be confided, and, at the same time, he presumed the opponents of the bill did not mean that there should be no appeal from his decision whatsoever? They could not mean that, whilst the judges themselves were liable to have an appeal from their decisions, and whilst from the Lord Chancellor there was an appeal to the House of Lords, the assistant-barristers of Ireland were to have a privilege beyond the judges and the Lord Chancellor, and they were to be constituted the only tribunal below the House of Peers, whose fiat was to be final, and from whose judgment there was to be no appeal, to whom then was it to be made? From an inferior tribunal the appeal must of course be to a superior, and the natural course was manifestly from the barrister to the judges of assize. This must either be so, or, if there be an appeal at all, it else must be to the House of Commons, as at present. They must continue the present law, which this bill, for the first time, sought to alter, rendering the register final, and they must still permit it to be questioned by a Committee of the House. One or other of these two courses they must adopt, and he was satisfied, that of the two the elector would prefer the steady and economical appeal to the going judge of assize, rather than be brought to London to substantiate his right before a Committee of the House of Commons. As to the judges themselves, make but the law clear and defined, and such was his respect for the sacred character of a judge, that be his politics what they may, he had no apprehension for its just and impartial administration by the bench in Ireland. There was but one other objection suggested by the hon. Member for Dundalk, to which he would allude, as to the difficulties thrown in the way of the claimant, namely, the number of particulars required by the bill to be supplied by the applicant in his notice of claim to register, and which it had been represented as a grievance, amounted to no less than ten. The House would perceive, that this was not an ingenious objection, when he stated, that all these particulars, though not specifically enumerated, were each substantially required, both by the English and the present Irish law. In the latter, especially the schedule particularised seven out of these ten particulars, namely, the name, the residence and profession of the claimant, the situation, the description, and the value of the property out of which he sought to register, and the right in which he claimed, whether as a freeholder, or a leaseholder, as the case might be. To these the present bill superadded three, namely, the nature and particulars of his lease, the date at which his twelve months' possession commenced, and the name of his tenant when he was not himself the occupant. Each of these was essential to investigate his claim, and he (Mr. E. Tennent) would put it to the House whether, as his claim depended on their force, it was any hardship to state them in his notice, to prove them to the satisfaction of the court. Besides, it had been said, that an error in setting them out would be fatal to his claim. But this again was erroneous. At the present moment such an error would be fatal, but it was another of the facilities afforded by this bill, that it amended the existing law, in that particular, as well as gave a power by the 26th clause to the barrister, to correct any error in these particulars which was not wilful, or calculated to mislead the public. There was no one provision of the bill which he did not conceive moderate, equitable, and impartial. So far from impeding the establishment of a claimant's right, it extended to him facilities which he did not possess, and there was no one material provision contained in it which was not analagous to, if not extracted from the English law. He trusted the House would not declare by their vote against the second reading, that they were opposed to any amendment of the law, but they would suffer the bill to go into committee, where, if they passed but one of its provisions, if they gave but the means of removing the dead and the disqualified from the present lists he would receive it with gratitude as an instalment of "Justice to Ireland."

Mr. *M. J. O'Connell* was opposed to the bill, both in principle and detail. It was said, that it would assimilate the law between the two countries; but he denied, that it would have that effect. The only point upon which it would produce the slightest assimilation, was in the facility it would give to the voter not to get his name placed upon the list, but to have it struck off. It would throw difficulties, impediments, and expenses in the way of registration, which, in thousands of instances, would induce men to submit to disfranchisement rather than undergo the ordeal of getting their names placed upon the lists of voters. The noble Lord proposed to give to the magistrates of the county, at a public meeting, power to appoint a permanent place for taking the registration of voters; but did any hon. Gentleman suppose that the magistrates of Ireland would be anxious to afford facilities for the registration of votes? On the contrary, they would rather endeavour to deter men from obtaining the franchise. At present the Lord-lieutenant and the Privy Council had the power to name any place in the county for taking the registrations; but this bill would take away that power, and give it wholly to the magistrates. But he confessed, that the part of this measure against which he had the very strongest objection, was the appeal to the judges of assize. Was it not known, that every man against whose title a shadow of objection could be made would be brought from their homes, and that advantage would be taken of this clause to harass him and put him to a great expense. It was clear, that all the objections to the existing law of appeal would be obviated by confining the right of appeal to the question of title. But this was not the course the noble Lord found it convenient to take. In 1831 the noble Lord introduced a measure to to give some extension of the franchise to the people of Ireland, and some increase to their liberties; but now they found him bringing in a bill which would have the effect of limiting the franchise. One did not like to ask why this change of conduct should have arisen, but if *post hoc* were *propter hoc*, he thought a person might remark this fact, that at the time the noble Lord brought in his Reform Bill, the people of Ireland were among the generous supporters of his administration, but now the people of Ireland were the most determined opponents of his present party. It was not a proper occasion for the noble Lord to come forward with a measure to restrict the franchise. It was true, that the bill defined and declared the law upon the two disputed points—first, the question of joint occupancy; and, secondly, the question of "beneficial interest." But, even with those advantages, he should be sorry to put the Irish constituency to the inconvenience and annoyance which the adoption of such a system, even with those checks upon it that the noble Lord provided, as this bill imposed. He begged to ask whether the bill was wanted in Ireland, even by the Conservatives? In the shape as it now stood, he should say not. The bill would take away, not the name, indeed, but the reality of the very franchise which the noble Lord had himself given to the people of Ireland—miserably limited as that franchise was. He felt himself, therefore, entitled to call upon the House not to adopt or sanction this bill. It had been the modern policy of the party opposite not to propose openly any measure to limit the rights of the people. They found, in these days of patent inventions, a more approved mode of proceeding. Their principle was, to leave to the people nominally the rights of freemen—but they took express and especial good care, by one means or the other, that those whom they wished to deprive of political rights should not have the power of practically enjoying them. They had sought to make the Catholic Relief Bill a dead letter; they had sought to make of the municipal franchise a dead letter; and now they sought to make the Reform Bill a dead letter. The passing of such a bill as this would be an insult to the people of Ireland. They would feel, that while you gave them what bore the name of privilege, you denied them the reality. It was a measure that would do the deepest injury to a people whom you confess to consider free.

Mr. *Fitzpatrick* said: aware of the evils arising out of the present law of registration in Ireland, I was in hopes that the noble Lord would have introduced a measure containing such provisions as would facilitate registration to the *bonâ fide* freeholder, and at the same time grapple effectually with the crime of perjury, too common at present, I fear, in the registry courts; but I am sorry to say I can find nothing in this bill that would offer an effectual check to the evil I complain of, or afford facilities to those justly entitled to the franchise. My own opinion is, that the root of the evil lies in the disputed state of the franchise; and if we leave that untouched, our efforts will be unavailing and without benefit to the people. We must first place the franchise on such plain and well-defined grounds, that they cannot be misunderstood, and I think the Poor-law Act will soon furnish the necessary materials. Without this preparatory step, annual registration would only multiply the difficulties the poor ten-pound voter has at present to contend with; and though the fear of costs might often deter him from attempting to make out his claim, yet I suspect they would not, on the other hand, preserve him from frivolous objections. It is for these reasons I shall oppose the second reading of this bill, believing, as I do, that its sole effect will be to curtail the franchise, without applying a remedy to the most glaring and the worst of all the evils attendant on the present system.

Sir *G. Strickland* believed, that it was a growing opinion, both in England and Ireland, that the legislation for the two countries should be assimilated. The principal features of the present bill were annual revision, payment of rates, and finality of registration. This he thought the most important feature of the measure, and a great improvement of the existing system. Was there, however, any chance of a similar measure being passed for England? If so, he should be disposed to pass over many of the defects of this bill, for the sake of securing that great advantage. He had, however, a strong objection to the annual revision of the voters' lists. It was one of the great defects of the English law, and why should they extend it to Ireland? He objected to passing such a measure as this for Ireland, without reference to England. It would be leaving nothing but a source of increasing anxiety among all persons interested in elections. He therefore would strongly urge the House, before they proceeded further with this bill, to support a proposition for the appointment of a committee, by whom the subject should be thoroughly taken into review, and a measure be prepared beneficial both to England and Ireland, and that would give satisfaction, upon the great principle of assimilation of the laws of the two countries.

Mr. Sergeant *Jackson* had expected that some Member of her Majesty's Government would have felt it incumbent upon him to arise and signify to the House what were the intentions of her Majesty's advisers with respect to that bill. As they had not thought fit to do so, he should offer a few observations to the House, although he should say that he had heard very little urged against the bill in the course of the debate which called for a reply. His hon. Friends at that side of the House had already discussed all the topics which were contained in the bill, and he felt himself called on to repeat that which had been said by his hon. Friends who supported the bill, namely, that he did not see on what grounds the second reading could be opposed by those who had already admitted the necessity for an alteration in the law respecting registration in Ireland. It was said, that the objections were not so much to the principle as to the details of the bill; but that did not answer his argument, for he had always understood that objections in detail were most conveniently discussed when a bill was in committee, and when it would come before the House clause by clause. The opposition to the bill was characterised by an inclination to indulge in personal attack upon the noble Lord, the Member for North Lancashire, who had devoted so much of his time and his attention and his talents, to a subject upon which legislation had been admitted by all to be necessary, and who had brought forward that most valuable measure. There were great misconceptions and misrepresentations with regard to the provisions and the effect of the operations of that bill, and he trusted that the second reading would not be opposed upon those grounds, for, the principle being admitted, if there were minor objections it would be better to suggest a remedy for those objections at a future stage than to oppose it at the second reading. It would be admitted, on all hands, and hon. Members at either side would not deny that the state of things with respect to the registration of electors in Ireland was one which ought not to continue. It was said, that Ireland ought to have similar regulations to those of England as regarded the registration of votes, but he would remind hon. Members that, in this respect, England was better off than Ireland. However, with respect to that similiarity of legislation, it might be well to remark, that when the Reform Bill was passed, it was not proposed to give the same Reform Bill to Ireland as that which had been granted to England, and a Reform Bill was accordingly granted to Ireland totally different from that which had been given to England. Ireland had also a system of registration totally different from the English system. According to the system of registration which prevailed in Ireland, if a man produced a certificate of his right to vote, no matter how unfounded his claim might be, that certificate was taken to be evidence of his right to register, which right was to continue for eight years; but it might be renewed *toties quoties*, for the production of the certificate was to be taken as sufficient evidence of his right to register without any inquiry as to whether his claim was well founded, or whether anything had occurred to affect his claim since the time of his obtaining the certificate; in fact, it might be renewed in perpetuation, no matter how unfounded his claim might be to register. No matter what might have occurred to affect his claim, it was sufficient to produce the certificate, in order to prove his claim for renewal before the barrister. Several hon. Gentlemen, opposite, had expressed their opinion of the evils which resulted from the present system in Ireland, and the hon. Member for Limerick had introduced a bill to afford a remedy for those evils, which bill contained many provisions similar to those contained in the bill of the noble Lord who introduced the bill then before the House. What hope was there that her Majesty's Government would bring in a bill on that subject, or to remedy those evils which were admitted to exist? And if the Government would not bring in a bill this Session, how could they with any degree of consistency oppose that bill on the second reading, after having themselves on former occasions introduced measures which contained nearly similar provisions? If they opposed the bill under these circumstances, their conduct would be highly discreditable, and it could not be looked on in any other light by the people of this great and enlightened nation. In 1835 a bill was brought in to amend the law respecting the registration of electors in Ireland. It was brought in by the present Mr. Justice Perrin, and that bill being brought in by the Government, contained the privilege of appeal to the judges, which was so much complained of in the present bill. The measure was at that time thought to be of so much importance that it was passed through all its stages with as little delay as possible. It was brought up to the House of Lords with almost railroad speed, but it did not pass that House. A great deal of abuse had been levelled at the House of Lords for having thrown out that bill, and a law officer of the Crown inveighed against the House of Lords at a public meeting in Ireland, for not having passed it, notwithstanding it had been introduced to their Lordships only twelve days before their adjournment, and when there was an immense amount of other business before them. That bill even effected the qualification of electors, whilst the bill before them (and he looked upon that as one of its greatest advantages) did not tamper with the qualification. The bill before them did not affect the qualification by a side-wind—it was devoted solely to the purpose which it professed, and, in fact, a more *boná fide* measure could not be introduced to the House than the bill which the noble Lord, the Member for North Lancashire had taken the pains to introduce. It was a bill in every provision of which anything that could by possibility give advantage to either side was carefully abstained from. It had not the great objection which was to be found in another bill that had been introduced to the House on that subject, namely a declaratory clause with respect to the beneficial interest—a clause declaring the law to be quite the contrary to what the judges had decided it to be. In 1836 another bill on the subject of registration had been introduced by the present Master of the Rolls in Ireland and the noble Lord opposite, but, for some reason or another, they were not in any great haste with that bill as they had been with the former bill, for although it had been brought in on the 29th of March, it was not read a second time until the 18th of July, and then it was proposed to go into committee that day two months. That bill, which was not proceeded with, he should remark, was liable to all the objections which had been made against the bill now before them. With respect to the appeal to the judges, he could not hear objections made which conveyed imputations against those learned personages who sat on the bench in Ireland, without repelling, on his own part, such imputations. Every one of the learned individuals who at present sat in the Queen's Bench in Ireland, were gentlemen who, at one period, belonged to the party that the gentlemen on the lower bench opposite were attached to, he meant the Whigs. The great majority of the Judges in Ireland had been persons who were of liberal politics; but whatever might be their political opinions, he could not hear, without an observation, objections made which would amount to imputations against those learned personages. There was a decision of Baron Penefather (one of the greatest ornaments of the bench,) with respect to non-resident freemen, overruled; but would any one say, that it was a subject of grave charge against him, or that sinister motives could be attributed to him in that decision? To return to the subject of the bill, it should be remarked that the former bills gave the right of appeal to the Judges, and Judges, be it recollected, a majority of whom were of liberal opinions. He had heard the Judges assailed for their decision with respect to a process of the Court of Exchequer, the writ of rebellion; but what had been the result when the question was argued in the House of Lords? There was no difference of opinion as to the propriety of that decision amongst their Lordships. He should now call attention to the next proceeding in the matter of legislation on the subject of registration in Ireland. The bill of 1836 not having been proceeded with, there was no bill brought forward in 1837, but in 1838 the Attorney-General for Ireland obtained leave to bring in a bill on that subject. The bill was not brought forward for some time after leave had been obtained to introduce it, and at length he gave notice, that he would move for leave to bring in a bill on the subject immediately after that notice. The Attorney-general brought in the bill, but not having proceeded with it, he brought in his bill, at so late a period, however, that there was not sufficient time to proceed with it. Last year, again, an hon. Member, at the same side of the House, did introduce a bill of a similar nature, but it would appear he was so discouraged that he did not proceed with it, and gave it up. Seeing this, having it before them that so many bills were introduced by the Government, which bills they did not proceed with, was it fair to taunt the noble Lord, the Member for North Lancashire, with precipitation in bringing forward this bill at this period? Yet the hon. Member for Wicklow, after witnessing so many delays and postponements, had called the bill of the noble Lord precipitate legislation. Legislation had been delayed from time to time since 1832, and at length, when the noble

Lord brought in that bill to remedy evils that were admitted on all hands, it was called precipitate legislation. All the parties who had been examined before the fictitious votes committee, had declared their opinion that the existing state of the law respecting registrations in Ireland was such as called for alteration, and this opinion was delivered without any respect of party or politics. Mr. Bernard's evidence, which had been alluded to, went to show that there was a necessity for an alteration in the law. Mr. Meagher, and the present mayor of Cork, gentlemen who were of liberal politics, stated their opinion to be, that an alteration in the law was very much required; that there was a great necessity existing in Ireland to remedy those evils which this bill was brought forward to remedy. They agreed in stating, that the existing system of registration was such as to give rise to perjury, fictitious votes, and to various frauds. On this head there was not the slightest diversity of opinion. Under those circumstances, he thought that hon. Members at the opposite side of the House could not consistently vote against the second reading. They were told that it was an innovation to give costs, and that it was an objectionable provision; but if a party took an objection against a person claiming to register, and that the person appealed, if the decision then proved the party taking the objection to have been right, he should be glad to know on what principle they would oppose a provision to give the objector costs, if the opposition to him were found to be frivolous and vexatious. He did not want to trespass on the time of the House any longer, when he recollected that so little had been said at the opposite side of the House which called for any observation from him. He could not see how Ministers could oppose a bill, the principle of which they had agreed to as necessary to be applied to Ireland. If, after admitting the principle in so many bills, they supported an attempt to put a stop to that measure, it would not place them before the country in a very creditable point of view.

Mr. *D. R. Pigot* said, that as he had never had an opportunity of addressing the House upon the subject then before it, he trusted that it would lend him its indulgence, whilst he endeavoured to state, as briefly as he could, the objections which he had to the present bill—objections so strong, that he thought it was not possible that any change of details could remove them. And when hon. Gentlemen opposite said that they did not understand why an objection should be made to the second reading, founded on the details of the measure, let him remind honourable Members, that it was the uniform practice of Parliament, founded upon solid sense and sound judgment, when it was found that a bill, the ultimate end of which might be good, was so encumbered in its provisions, that however altered it might be in its provisions, it could not be shaped so as to be beneficial to the community, the House was bound to reject the bill altogether, even if the end itself might be desirable. He objected to the bill, because he saw in it principles of legislation which were inconsistent with the basis on which constitutional liberty was founded: and because he looked upon the bill as one under which it would be impossible that the enjoyment of the franchise in the country could long last. He frankly said, that he objected to the principle of an annual revision. He objected also to the proposed appeal; and he would not suffer himself to be fettered by any proposition that might have been made in Parliament on any former occasion. At the time it was proposed to legislate, he thought it would not be very difficult to show that the annual revisions of the franchise had been little tried in England, and that the mischiefs of the system had been but little developed. Would the House bear with him whilst he read to them opinions upon this subject, expressed in language far better than he could find. He believed the fact to have been and to be, that for some time after the passing of the Reform Act, little attention was paid in England to the registries, the excitement consequent on a nicely balanced state of parties had not arisen; and so little attention was paid, and so little management was applied to carry out for the purposes of party the provisions of the Reform Act, that the mischiefs which had been since experienced, had not been, and could not be, displayed. In a publication which was not in the hands of the party whose views were favourable to his side of the House, but which was conducted with great ability, and was of much legal value

—the *Law Magazine*—he found that the editor, in entering upon a review of a work on elections, made these remarks:—

> "After the great difficulty and confusion which attended the revision of the county and borough registration in 1832, the work of the two following years, was performed with tolerable facility and expedition. . . . . It was pretty generally pronounced that the registration clauses of the reform act worked well upon the whole, and that both the expense and the inconveniences of the revision would proceed for some years in a diminishing ratio. The revision of the lists in 1835, was conducted under very different auspices. Parties had not until that time become fully aware of the working of a system of registration, in a country where nothing of the sort had before existed. They had not learnt to estimate the advantage which it gives to the united and the active, over the scattered and the indolent. It had not been understood what facilities the provisions of the reform act afford for the insertion of bad votes on the register; nor, on the other hand, what advantage the power of indefinite objection gives to those who are inclined to use it without scruple; how it can be made to serve as an engine not only for the extirpation of bad votes, but also to entrap the *bonâ fide* claimant, who has been unwary in his mode of entering himself on the lists. . All the provincial address and ingenuity, which usually find too narrow room in the precincts of a magistrate's chamber at petty sessions, or before an under-sheriff, were set to work on the Reform Act; every means of vexation and chicanery—we speak generally, and know that our assertion is too generally true—was unscrupulously resorted to by both parties; seldom, indeed, was any reluctance evinced to use the opportunities which the act unfortunately gives for sowing tares among the wheat, and also for rooting tares and wheat together."

That opinion was formed after an experience of some years, and after a knowledge of the working of the Reform Act. And was he to be told that he was to be bound by a precedent set in 1836, before any experience had been had of the working of the act, by a mere proposal made to that House, and not carried forward to ultimate legislation? Let him refer, however, for one minute to the former bills, upon which so much stress had been laid. In 1835, a bill had been introduced by one of the law officers of the crown, the other having, if he mistook not, just retired. In 1836, that same bill was reintroduced into that House. But was that bill anything like the prerent. The hon. and learned Member, the Recorder for the city of Dublin, said that annual revision had been before adopted, and that an appeal was sanctioned by that bill. What, however, was the annual revision proposed by that bill? Why, that the barrister should revise the list of names, provided any objection should be made, founded upon anything that had occurred since the former registry; and it provided specially that the barrister should not attend to any objection that existed or could have been made to the voter in any prior registry. What did this bill provide? Not that, but the very contrary. The noble Lord introduced into his bill the words, "If it shall appear he is no longer entitled." Not only was there to be a system of annual revision, but they were to bring back the voter to undergo an investigation year after year into the title which he had previously established. They were asking for the introduction of a principle into the franchise which was not known in the law for any other purpose. Who ever heard of a man who established his title by ejectment, being called upon, not only to sustain his right against adverse proceedings, but being required year after year to establish the title he had obtained by an adjudication—by a competent court of law? He said, then, that there was no system of annual registration in the former bills. There was the very reverse. The bill of 1838 repudiated an annual revision. There was to be an annual registration; but there was a distinct provision, that when a voter had been once registered, when he had once been subjected to a scrutiny, which the noble Lord admitted to be severe, should retain his right for eight years. Surely, then, it could not be said, that that bill afforded any precedent for the present measure. The present bill did provide an annual revision and an appeal, and both in the most objectionable way. He would, to make his position clear, recall to the House the state of things under which they were called upon to legislate. What was the present practice of registration in Ireland? Hon. Members opposite said, they wanted "to let in the light." How did they attempt to give that light? A system of registration had prevailed in Ireland since 1727; it was part of the original law of Ireland, and it was modified under several statutes up to 1829. For upwards of a century, up to 1829, there had been a system of registration in Ireland, and, according to that system in every modification, the voter invariably retained his right for eight years. The system which had prevailed he admitted to have been bad; the voter came before the court of quarter sessions, an affidavit was sworn and filed among the records of the county, and that constituted the registration. In 1829 that great settlement was made which admitted the Roman Catholics to all the honours of the state, and which at the same time swept away 197,000 electors of Ireland. Upon that settlement, what did the House do? Did they establish an annual revision, or an appeal? An annual revision was never thought of? An appeal was, indeed, suggested, not for the purpose of guarding against any imposition from bad votes, but for giving protection to parties claiming the franchise after the most stringent examination. There was an appeal to the judges upon points of law; but from the consideration of the judges was excluded the questions of value; that was a question of fact, and it was sent to be tried before a jury. When the bill was originally introduced, it was intended to give the barrister the power of trying the question of fact with a jury; but in the progress of the bill it was thought better not to allow the barrister to preside over a jury on a question which was an appeal from his own decision; but ultimately the question of fact was sent to the assizes. Did any one seek to change by this bill the mode of investigation which now existed in Ireland? Those who had framed the present bill had tried their skill, but they had not discovered a single additional test for examination beyond that which the law at present provided. The original investigation was already so secure, that they could not make it more stringent. He had the admission of the noble Lord himself, that there was no possibility of increasing the stringency, for the noble Lord, in the able speech in which he ushered in the present bill, declared, first, that the examination was so strict, that anything like it was unknown in England, and secondly, that he could not cast any imputation on the tribunals before which it was conducted. And, then, he was to be told by hon. Gentlemen opposite, that the object of the present bill was "to let in light." He was sure, that if the English Members were aware of the accurate and close investigation that took place in the assistant-barrister courts of Ireland they would not sanction the present bill. In the first place, no one could be put upon the register without a distinct examination by the barrister; whilst in England, if a person gave in a claim, and no notice of objection was given by another person on the register, however bad the claim might be, no inquiry would take place, and the name would remain on the register. In Ireland, on the contrary, no man was admitted till the process of examination had been gone through. By the 16th section of the Irish Reform Act, every one must serve a notice of his intention to apply to be registered. That notice was not, as had been stated, so framed as that the party could appear in any quarter sessions court within the county, but the particular place at which he would appear must be described in the notice, and it was absolutely impossible, that there could be a failure of sufficient notice to enable any parties intending to make an objection to find him. Next, the party was bound to appear in person before the barrister; he must produce his deeds, lease, or other instrument, which must be duly stamped; or he must on oath, or by some other mode to the satisfaction of the barrister account for the non-production of the lease, if he had it not with him; and he must then submit to an investigation into the nature and value of the franchise, not merely if any party came to the court to make objection, but even if there were no objection, it was the duty of the barrister strictly to examine the claimant, and in the absence of all opposition, to see that the franchise was perfect. In every registration court in Ireland, however, there was a staff of persons—there were able counsel and sharp attorneys, and plenty of witnesses; and the ultimate resolve of the barrister was frequently come to after an investigation longer than it took to decide many questions of great value that were tried at the assizes. Was he to be told that light was not let in? And were they to have this species of investigation going on year by year, till the unhappy elector should be worried into a surrender of his right, to prevent the expenses and so severe a loss of time. But the principle introduced into the present bill, was not merely for an annual revision; it was to be half-yearly. If the decision of the barrister be objected to, the party may be made to appear before the assizes; and here let him remark, that the noble Lord objected to the present bill, because the court did not come near enough to the dwellings of the claimants. What, however, was his remedy? Not to multiply the courts as a matter of course, but only to allow the magistrates to say, if they chose, that other courts were wanted; for he did not find by the bill, that by the barrister any other places could be permanently appointed for the revision courts, than the places in which were held the quarter sessions. The law at the present moment afforded ample and better opportunities of bringing home the revision courts to the doors of the claimants. By the 33d section of the Reform Act for Ireland, the barrister himself, in cases of exigency, or the Lord-lieutenant, had the power of directing that the court should adjourn from time to time, and from place to place, as the exigencies of the election might require. That salutary provision of the Irish Act—a provision that had been exercised cautiously, he admitted—was superseded by the provisions of the present bill, which limited the places for holding the courts to the towns in which the quarter sessions were held, and such other towns as the magistrates, of whom five were to be a quorum, should agree upon, to be reported to the Lord-lieutenant, and be sanctioned by him. Therefore the present bill, instead of giving facilities for bringing justice home to all, increased the difficulties both of place and of distance. Not merely, then, was there to be an annual revision of the whole counties, but if the whole of the constituency should be objected to, even on frivolous grounds or vexatious reasons, they must come before the assizes in March, to establish the very right which they had established before the barrister in the preceding September. The party must have attended the barrister in September, and, if he were objected to, he must go before the assizes in March. When September came round again, he must again attend the barrister, and if again objected to, when March came round, he must once more go to the assizes; and so he must oscillate between every September and every March. Why, such a bill was not a bill to amend the registration, but to extinguish the franchise. Let him next call the noble Lord's attention to a change in the franchise, which, with his knowledge of the noble Lord's manliness of character, he could not think him aware of. Hon. Members thought this a *bonâ fide* bill, and it was said that it did not make any provision to give legislative aid to a fresh construction of the franchise, and particularly that it did not attach any meaning to the words "beneficial interest" adverse to the extension of the franchise. By the explicit terms of the Reform Act, the barrister was bound to inquire into the nature and value of the franchise, as the nature and value were declared by that act. Now, the terms of the 16th and 17th sections of the Reform Act, followed exactly the corresponding provisions of the act of 10 George 4th, by which what was called the good solvent tenant's test was applied to the franchise; and to make assurance doubly sure, the Reform Act declared that the barrister should determine the nature and value of the franchise as prescribed by that act, or as set forth in the affidavit in the schedule. Now, one affidavit in the Reform Act, which stated the "beneficial interest," was copied from the 10th of George 4th; so that the strong, potent, and irresistible manner in which the intentions of those who took part in the passing of the Reform Act were expressed, were fortified by all the particulars of the provisions. Let him next call the attention of the House to one of the clauses in this bill, which had been most industriously and most skilfully framed, so as to make it certain that the drawer knew the value of every phrase and every word in the section. By the 22nd clause, it was first declared, that the voter should establish his right to be registered pursuant to his notice, and then he is to make it appear, that his property is of "the value and nature by the acts now in force in Ireland, required to entitle him to be registered." He would ask the noble Lord, whether, in the mind of any man of common sense reading this bill, any doubt could exist of the object with which these words were introduced. But what was said further? The barrister was in conclusion, directed to inquire into the several particulars required by the provisions of that Act on oath, and "into the truth of the several particulars upon which such claim to be registered is founded," dropping all reference to the Reform Act, which defined what was the nature and value. If the bill were intended to make no declaration against the franchise, then he must say, that it seemed to him the persons who framed the bill would have adopted the phraseology of the Reform Act, and not have resorted to this species of legislation for the purpose of introducing, by a side-wind, a construction of the term "beneficial interest," whilst at the same time, they accused Gentlemen on his (the Ministerial) side of the House, of attempting directly to alter that construction. He did not intend to go through the details of the bill, but he must call the attention of the House to another clause, to show the plain intention disclosed by it. He had referred to one plain intention; he would now take another. The noble Lord had said, that the register was to be *prima facie* evidence of the franchise, and that, on an appeal to the judge, his duty would not correspond with that of the barrister, and yet he was to be bound to call upon the claimant to produce the lease, to go through all the inquiry, and not make the register *prima facie* evidence. He found the definition of the judges' duty in the 31st clause of this bill. They were to investigate the right of such person to be inserted in the register, in the same manner, as they are, by the said recited Act of his late Majesty, to investigate the claim of a person against whose claim an order was made by the assistant-barrister, save that no jury shall be empanelled upon such appeal. Here the term was not "acts," but "act." The party who framed the bill well knew the difference. He had referred to these provisions for the purpose of illustrating the conclusion to which he had come, that the purport and the object of the parties who drew this bill were to fritter away the franchise, by fettering it with difficulties under which it would be impossible to maintain it. Just let them conceive for one moment what the difficulties must be, that were thrown in the way of persons seeking the franchise. What was likely to be the proportion of objections that would be given? He had made inquiries during the last day or two, as to what the proportion was in this country, where there was not the same stringent examination, and he found that in the county of Middlesex, in which the constituency was between 11,000 and 12,000, the number objected to in 1835 was 2,234; in 1836 it was 1,485; in 1837 it was 3,191; in 1838 it was 1,568; and in 1839 it was 2,000. Now, only let them conceive one-fourth of the constituency in any county in Ireland, limited though that constituency was annually objected to, and compelled, first to leave their home to attend the barrister's circuit, and then to attend the assizes. Let them conceive hundreds drawn to the same place, at the same time, at a great expense to themselves and their witnesses, and how impossible it would be not to reprehend any measure that should produce such results. He did not mean to breathe one syllable of imputation against the high legal functionaries who had been referred to, but he objected on principle to such an appeal to them as was proposed by this bill. It might by possibility be right to refer to them a matter of law, although it might be one of political law; but he was sure that, on a question connected with political rights, to make the judges the arbiters without the intervention of a jury, was more calculated to damage the political character, and to bring into suspicion the distribution of the public justice, which they were called upon to administer, than anything else that he could conceive. The administration of justice should be secured not only from the fact of corruption, but from the taint of suspicion. And he would ask, how it would be possible for hundreds of persons to be brought annually before the judges on the question of political rights, and for crowds to be deprived, by the decisions of those judges, of the franchise to which they should think themselves entitled, without many persons of each party, and of both sides, attributing the defeat of the claim not to their own wrong claim, but to a want of purity in the judges? He objected therefore to the bill, not only as being unconstitutional, but because of the trouble, the vexation, and the expense which it would create, and which were calculated to abridge the rights of the electors; and he objected to it, also, because it was likely to detract from the character of the highest legal functionaries in the discharge of their duties, whilst it would tend to damage the enjoyment by the people of the franchise which had been entrusted to them.

Sir *W. Follett* said, that he did not rise to follow the hon. and learned Gentleman who had just sat down through any of the details of this bill, or through the objections which he had urged to what he supposed would be its political working, but to state the reasons which would induce him to give his vote for the second reading of the bill. He owned that he had felt anxious, after all that had occurred on this subject in former sessions, to hear from some Member of her Majesty's Government their reasons for voting against the second reading. Taunts had been thrown out at the opposite side that this bill proceeded from his noble Friend, who was an English Member, as if it were not an English Member's business. He might disclaim that supposition upon the part of every English Member. But, speaking for himself, he could say that he had personally more experience than, perhaps, any other English Member, probably than any Irish Member, of the working of the present system. He was satisfied it was impossible that any system could be more defective, or could lead to more fraud—he thought he might say to more perjury. He had heard the speech of the hon. and learned Gentleman. He had not thought that any hon. Member connected either with England or with Ireland, would have attempted to defend the existing system of registration in Ireland. That system had been condemned most completely by her Majesty's Government. They had condemned it in their speeches—they had condemned it in their acts. It had been condemned by hon. Members at the Ministerial side of the House—it had been condemned by the hon. and learned Member for Dublin—it had been condemned by all parties. Until the hon. and learned Gentleman rose that night, no one had ever attempted to defend it. They had had bill after bill brought in to correct this evil, and a bill was now brought in by his noble Friend for that purpose. Her Majesty's Government thought it right not to object to the details of this bill, but to meet it at the outset by negativing the second reading, and preventing it from going into a committee. On what grounds? Did they object to the principle of the bill? He asked the noble Lord, the Secretary for Ireland, did he object to its principle, as pointed out by the hon. Gentleman, the Member for Yorkshire? Would any Member of her Majesty's Government answer his question by telling him that they objected to the principle of the bill? What were the evils which it proposed to cure? The hon. Member for Limerick and for the Queen's County said, that the present system led to fraud and perjury, that it was as bad for the Liberal party as for their opponents, and that it led to extensive litigation before committees of the House of Commons. Why, it was a well-known fact that, in many places, the parties had come to a compromise, and agreed to strike off certain votes at either side to avoid a contest. How were they to avoid all this? What had they proposed themselves? Had they not introduced this same principle into every bill they had brought in? Instead of a registry in force for eight years, had they not proposed to substitute a registry subject to be revised every year? Had they not proposed a double appeal, either to one of the judges, or to a court specially constituted? Their bills had all proposed this. Now, if they had this established, with the annual revision, surely they might safely make the Irish registry conclusive. The hon. and learned Gentleman seemed to have forgotten that such a system would put an end to the appeals to committees of the House of Commons; and when the hon. Gentleman spoke of the defects of a former system, he must also have forgotten that then, too, there existed an appeal to a committee of the House of Commons. The question was, whether they would object to the introduction of a bill which made the registry conclusive, took away the appeal to the House of Commons, removed the heavy expenditure of the prevailing system, and substituted for it the effectual control of an annual revision. When the hon. and learned Gentleman was speaking of the annual revision, the noble Lord, the Secretary for the Colonies cheered him, as if he objected to the introduction of the system of annual revision into Ireland. Now, the registration in England had been so conducted for some years with benefit. Numerous errors and defects had been found in the working of the Reform Bill after it first became the law of the land; and her Majesty's Government had, Session after Session, introduced bills to amend the registration in England; yet they had never extended their operation to the registration system in Ireland. If the noble Lord (Lord J. Russell) had come to the decision that an annual revision was a bad thing, he could not help thinking that the noble Lord had done so merely for the purpose of this bill. Why, there had been a bill brought in during the past Session to amend the English, and also the Irish, registration, and an annual revision was incorporated in that bill. He was obliged to arrive at the conclusion, that it was because the proposition proceeded from his noble Friend—because it emanated from that side of the House—the noble Lord had found this annual revision a very bad thing, though it was a principle beneficially operative in England, and though the noble Lord had introduced it into his own bill. If there was any force in the objections which had been urged by the hon. and learned Gentleman, it was not to the second reading that they could apply. By objecting to the second reading of the bill, they formally pronounced their decision against the principle of an annual revision. Would any hon. Member have the hardihood to say that the annual revision was a bad thing, or that to make the registry conclusive and establish the double appeal would be an evil? Yet, they could not otherwise object to permitting this bill to pass through its present stage. Why, every one of the bills which had been introduced by the Government—the bill of Mr. O'Loghlen, and the two bills introduced by the noble Lord, the Secretary for Ireland—all contained the annual revision. Let not the mistake go forth that by "annual revision" they meant that all the minutely scrutinizing inquiry of which the hon. and learned Gentleman had spoken, and which could only take place when the claimant first made his appearance in the registry court, was to be renewed in each successive year. No such thing. It was not an annual registration in that sense, nor any thing like it. The parties whose names were on the registry had a right to remain there. The process which the noble Lord contemplated in his bill was no more stringent than that which existed in England; in fact it was not so stringent. If an objection was made in England, the voter must appear. But it was not so in this bill. The party objecting had the onus thrown upon him of appearing and establishing his objection. The bill merely provided, that if a voter's name were fraudulently placed upon the registry, any individual might object, but must prove his objection, and at the peril of being obliged to pay the costs. Surely this was nothing like the statement which the hon. and learned Gentleman had made to the House, but something widely and totally different. If they made the registry final, was it too much to ask for at least this amount of control? The hon. and learned Gentleman was not aware that the registry, even in England, was not conclusive, but that the right still existed of appealing to the House of Commons? They wanted here to concede a boon to Ireland—there was no Irish Member who disputed that it was a boon—but while they conceded it, surely they should take measures to secure some degree of control against an improper exercise of the powers which would be introduced under the new system. Was it too much to ask the certificate of the assistant-barrister, afterwards verified by the judges? He did not consider himself as at all pledged by voting for the second reading, that the judges should be the individuals before whom the appeal should be brought; that was a question for the committee. He had a strong opinion, however, on the subject. He thought that theirs would be the best tribunal. They were pointed out for the purpose by several acts of Parliament; and the power was one which they had previously exercised. If the hon. Member for Limerick could satisfy the House that the court of appeal which he proposed would be a better court than the judges, of course this was a question upon which it would be for the committee to decide. But they objected to the second reading of this bill, because they objected to the double appeal altogether. They should consider, however, that at the same time that they established the twofold appeal, they made the decision final, and removed the cumbrous and tedious process of appealing to committees of the House of Commons. The hon. Member for Limerick had said that the bill of Mr. O'Loghlen was very superior to this, because the notice was served on the baronial clerk instead of the clerk of the peace—because its definition of value was clearer, and further, because fresh difficulties were, as he alleged, thrown by the present bill in the way of the *bona fide* voter. They had heard this latter statement made over and over again on the opposite side. He had waited to hear what these new difficulties were, either from the hon. and learned Member who had last addressed the House, or from any other hon. Member at the same side. But he had not heard a syllable of explanation upon the subject from any one of those hon. Members. In fact, none could be given. The parties would stand precisely as under the old bill, with this difference only, that while the constant litigation before committees would be suspended, they would be subject to an annual revision, of which the principle had already been adopted in those bills. The hon. Members for Limerick, Roscommon, and Clonmel said that they would not object to the bill provided there were introduced into it a definition of the words "beneficial interest." Let him bring the House for a moment to the consideration of what this was in effect. His noble Friend had introduced a bill for the purpose simply of amending the registry in Ireland; and his great object was to prevent any interference with the exisiting elective franchise in Ireland. That he knew to have been his noble Friend's intention; and he asserted that no part of the noble Lord's bill interfered with it in any way whatever. He did not pretend to put his legal knowledge in competition with that of the hon. and learned Gentleman the Solicitor-General for Ireland; but the construction which he had put upon a portion of his noble Friend's bill appeared to him most extraordinary. There certainly must be one mode of construing acts of Parliament in Ireland, and another made in England. When, because the word "acts" was introduced instead of "act," and "particulars" instead of "particular," the hon. and learned Gentleman said that this became a declaratory act, altering the existing law in Ireland, and making the beneficial interest something different from that which it had hitherto been. He must say, that it was beyond his comprehension to understand this. He might venture to say that the hon. and learned Gentleman would have his noble Friend's permission to alter that clause, to substitute "act" for "acts," and "particular" for "particulars," and the meaning would still remain the same. He begged to ask whether they would do right, in introducing a bill for the mere purpose of amending a defective system of registration, to introduce a clause relating to a disputed question connected with the elective franchise? It was utterly impossible that such a bill should pass—a declaratory bill, directly in the teeth of the judges who had given a decision upon the point, and if it were meant as an enacting bill, they would be altering the Reform Bill, and under a pretence of amending the system of registration they would be very materially interfering with the elective franchise. He recollected when the present Lord Chief Baron of Ireland, at that time holding the office of Attorney-General in that House, brought in his bill for amending the registration of Ireland, and stated that such a clause was contained in it. He then took the liberty of stating to the right hon. and learned Gentleman, that he was quite satisfied that such a clause would never pass, he did not say through Parliament, but through that House, for he was sure that there was no English Gentleman, no matter on what side of the House, who would not at once dissent from that definition of a beneficial interest which was then given, and was now adopted by the right hon. Gentleman opposite. The Reform Bill required that any man voting in respect of a house should have a beneficial interest of 10*l.* over and above his rent. Now, there could be no doubt as to the manner inwhich that value was to be ascertained. No one who ever sat at a quarter sessions, no one who had attended a county election under the old system of 10*s.* freeholders, could have any doubt as to the mode in which the value was to be determined. The value of freehold land was what the land would sell for; the value of land when let was the rate that was paid by the tenant. If land were let at 50*l.* which was really worth 60*l.*, there could be no doubt that the tenant had a beneficial interest of 10*l.* The hon. and learned Member for Dublin had himself admitted, in his hearing, that that was the only construction that could be put upon the phrase. Now he (Sir W. Follett) knew of many instances in which houses in Ireland at 5*l.* or under, which were not rated by the commissioners, were placed upon the register as 10*l.* houses in virtue of a beneficial interest arising out of some cellar not worth 1*l.* If any man carried on a trade in his house, from which he made 10*l.* or 20*l.* a-year in Ireland, they had been in the habit of saying that the premises were worth such a sum to him. He would venture to say that such a definition of a beneficial interest, was wholly untenable in law. He would now explain very shortly why he should vote for the second reading of his noble Friend's bill. He should vote for it, because, as he had stated in the outset, he believed that nothing could be worse than the system now existing in Ireland.

The right hon. and learned Gentleman who had last spoken, had stated that he rested his opposition to the second reading on the mode in which the present system was working in Ireland, and the whole of his argument had been directed to point out the checks and restraints on the undue multiplication of votes, which he contended were now amply sufficient to secure a *bonâ fide* constituency. He entirely dissented from the right hon. and learned Gentleman in that view. If her Majesty's Government, and if the House thought that the right hon. Gentleman was in the right, and that the present system really worked well, then he could understand why they should object to the second reading; but, as her Majesty's Government, in common, he had no doubt, with the vast majority of the House, had an entirely different opinion, he would ask, on what ground it was that they objected to a bill which had for its purpose the amendment of the present system? He would vote for it on account of its enacting that the registry should not be continued for eight years, and allowing opportunities to strike off fraudulent voters. He approved of it because it gave a double appeal, because it took away from the House the power of deciding contested elections, and would thereby confer a great benefit on Ireland, and prevent gross fraud and perjury. If her Majesty's Government were earnest in wishing to improve the existing system of registration in Ireland, he could not understand on what principle they objected to allow this bill to be read a second time.

Mr. *Sheil* said, the hon. and learned Gentleman had rested his approval of the bill upon two grounds, first, that it provided a system of registration analogous to that of England; and secondly, that it gave a double appeal. It was somewhat remarkable, however, that at the same time that he selected the double appeal as one ground of his support of the bill, he did not pledge himself to support that provision in committee, nor did he suggest any substitute for that appeal to the judges in the event of his not supporting it, or of its not being adopted in committee. When the hon. and learned Member advanced as one of the grounds of his support of the measure, the double appeal it gave, when there was in the bill complicated machinery to regulate that appeal, and when, too, the hon. and learned Member for Bandon had declared himself a strong advocate of the appeal to the judges, surely it was reasonable to ask the hon. and learned Member for Exeter what were the details of the measure which he would recommend in the event of his not supporting the provision for the appeal to the judges. But it was manifest that the appeal to the judges was that on which hon. Gentlemen opposite mainly relied, for, with the sole exception of the hon. and learned Gentleman, not a single hon. Member had suggested a doubt as to the appeal being to the judges. The hon. and learned Gentleman had argued in favour of the English system of revision as applicable to Ireland. Were there no objections to the English system of revision? Those evils had been pointed out by his hon. and learned Friend (Mr. Pigot)—evils not suggested by his own spirit of conjecture, but taken from a work the authority of which could not be suspected. Had the hon. and learned Gentleman ventured to suggest that the allegations contained in that work were not founded on fact? He had heard universal complaints against the system of revision in England—he had never heard an English Member yet speaking on the subject who had not described the greatest evils resulting from it. Had not the noble Lord who moved this bill detailed many evils arising from that system? Was there not an enormous expense imposed on the people? Did not every one feel that the result of the election depended upon the result of the revision of the registry? Was it not a common case for the newspapers on each side to give accounts of the annual revision, and to prophesy the result of the next election from the numbers put upon the registry or struck off it? Yet, notwithstanding hon. Gentlemen opposite knew all these things, they wanted to inoculate Ireland with those very evils under which England was suffering. The hon. Member for Belfast, who was introduced by the noble Lord as one of the sponsors of this bill—that hon. Gentleman, in a sort of parenthesis, moved that the Irish Municipal Bill be read on that day six months —that hon. Member who wished to check and destroy the municipal franchise in Ireland, and who now said he was anxious to strengthen the parliamentary franchise there, that hon. Gentleman had been appropriately selected as a coadjutor in this bill by the noble Lord, the Liberal Secretary for Ireland; and that noble Lord was bound in good faith and honour to support the Irish Municipal Bill. Did the hon. Member refer to the state of Belfast as incidental to the present state of things as regarded the parliamentary franchise, and to the change which he wished to effect? Would the hon. Member say, with respect to Belfast, that in that place the evils of the fraudulent exhibition of certificates was strongly experienced? Would he say that any practical injuries had resulted in that place from these certificates? Did the hon. Gentleman himself feel any injurious effects from this cause, when he stood on the hustings at that place? Was anything proved before the Fictitious Vote Committee having reference to the subject which the hon Member had so much dwelt on? If the hon. Member meant to assert this, where was it to be found in the evidence? The noble Lord who was chairman of this committee, and who had assisted in bringing in the present bill, and who had addressed the House in support of it that night,could not state, after all his research, more than fifty or sixty instances of the certificates of registration belonging to dead men having been used fraudulently. There was no evidence of this practice before the committee, and there was no proof that it had existed to any extent in any place. When the noble Lord proposed to introduce the present bill, and stated a number of conjectural evils which were likely to arise, he had asked for one case, with reference to these certificates, of men who were dead having been used. The noble Lord did not furnish him with a single instance; but if he had done so, and could give many cases of the kind, was he on that account to introduce a system into Ireland which was calculated to be attended with such pernicious consequences? Was this the mode in which it was intended to introduce British institutions into Ireland? and he would ask the noble Lord whether it was by this course that he meant to give the English parliamentary franchise to Ireland? The noble Lord said, that he was anxious for this, but was he willing to extend the forty shilling parliamentary franchise to Ireland? Would he do so? He would ask the noble Lord whether he would give the municipal franchise of this country to Ireland, and yet more, would he give that of Scotland? If such a proposition were made, the noble Lord would at once repudiate the proposition. Let only the means be shown of molesting the people of Ireland by any English institution—let it only be pointed out that by such a course you could cut down the franchise—and then you would carry the spirit of assimilation of the institutions of the two countries with force. The noble Lord said that he was desirous of seeing a complete identity between the institutions of the two countries, and he declared, in the plenitude of his bounty, that he would give the inhabitants of Ireland British institutions. Was this appeal to the judge, with reference to the Parliamentary franchise, any portion of any British institution? He recollected on the night of the former debate on this bill, it was stated that the question with respect to the revision of the lists had been reserved when the Irish Reform Bill was before the House, but was the question of appeal reserved? If there was any force in the allegation as to the annual revision, what became of his other objection, if there was to be this double appeal? The hon. Baronet, the Member for Drogheda, had adverted to a matter of paramount importance—and here he could not help lamenting the absence of the right hon. Member for Tamworth, as it materially affected him—his hon. Friend alluded to the debates that arose when the Catholic Emancipation Bill passed, and when there was a specific compact entered into with respect to the franchise. The right hon. Member for Tamworth declared that he had maturely considered the question of the franchise in Ireland, and more especially with reference to the 40*s*. freeholders. He then proposed that the 40*s*. franchise should be abolished, and that there should be a *bonâ fide* freehold franchise of 10*l*. He then proposed that the assistant barrister of each county should be charged with inquiring into the title and value of the freehold. The right hon. Member for Tamworth declared, that it was desirable that the decision should be referred to the assistant-barrister, and he passed a high encomium upon the gentlemen who filled that office, and said, that too much praise could not be bestowed upon them for the manner in which they discharged the duties which devolved upon them. He observed, that they must be gentlemen who had been ten years at the bar, and that they were, generally speaking, most admirably adapted for the discharge of this duty. The right hon. Member for Tamworth proposed that there should be no appeal from the assistant-barrister's decision, when he placed the name of a claimant on the register; but to prevent any possible abuse of power, the right of appeal should be given to a freeholder, in case his claim was rejected on the ground of defective title or of insufficient value. Would any man deny this? Did any hon. Gentleman take the slightest notice of what the right hon. Member for Tamworth then proposed? This very point he now adverted to had been taken up by some of the Members of the party opposite. In the other House, a noble Lord (Lord Falmouth we believe) asked for an appeal to the judge of assize against the claim of a person placed on the register by the assistant-barrister. The then Lord Chancellor (Lord Lyndhurst) declared—and the hon. and learned Member for Exeter cautiously abstained from adverting to this point—that he objected to any such appeal against the decision of the assistant-barrister when given in favour of the claimant, for the expenses of such appeals to the Judge of Assize, if they were to fall upon the voters, would be overwhelming. He would ask the hon. and learned Member for Exeter, why he did not advert to this most important declaration? This declaration was made when the 40*s*. franchise was abolished in Ireland, and when the 10*l*. franchise was created. The decision on the matter as to the validity of the claim was left to a new judicial tribunal, the judge of which was the assistant-barrister for the county, and in case of the decision of that officer being in favour of the claimant, it remained good without appeal for seven years. The right hon. Member for Tamworth at the time stated, that he regarded this as a most important consideration, and declared that there should be no appeal in case the decision was for the voter. Would not those who acted with him be charged with breaking the compact if they required the restoration of the 40*s*. franchise; and would they not be told, that they broke this compact if they made any proposal of this kind, for the alteration of the settlement that was made when the Catholic Emancipation Act passed? If this, then, was the case on the one side, he would ask Gentlemen opposite, whether they did not go back from the compact when they resorted to such a proposition as was involved in the present bill? The Catholic Emancipation Act had, on these points, been considered a final measure, and who had been the parties who had proposed to depart from it? He would not go to those evils, which had not been felt anywhere with respect to these certificates; but he would ask what had occurred to justify their adopting this second appeal? Since that Act passed, and previous to the Irish Reform Bill two general elections had occurred. It could not be supposed that the Irish Reform Act was framed without consideration, and in that there did not exist any provisions for a double appeal, such as was proposed in the present bill. The Catholic Emancipation Act passed on the 15th of April, 1829, and between that period and the time of the Irish Reform Act, he repeated, there had been two general elections. What had been the result of the experience of these elections? The noble Lord, the Member for North Lancashire, after that experience in the Irish Reform Bill, said, that there should be no appeal against the rate. The noble Lord then declared that, with reference to that Act, there should be some questions open to revision at a future period, but this was not one of the questions that he reserved. A most powerful influence was thus raised against the noble Lord respecting this appeal, but he refused to listen to it. He then asked the noble Lord whether he reserved this double appeal—he knew that the noble Lord would answer in the negative—was he then not right when he asserted that the noble Lord's proposition involved in this bill was a departure from the spirit and letter of the Catholic Emancipation Act, and a violation of the Irish Reform Bill introduced by the noble Lord. This was a most important consideration. If he were told that the Reform Bill was a final measure, he would ask the noble Lord whether he did not rely on the finality of the measure whenever the proposition was to extend the franchise of the people? and he would call upon the noble Lord not to open the bill when the object was to interfere with the interests of the people, and to restrict the franchise. The appeal to the judge of assize was the proposition in the bill, and Gentlemen opposite exclaimed what objection could there be to this security? You cannot attack the judges of assize. He would ask, did not this appeal to the judge of assize involve the most serious expense to the voter? Suppose this proposition was passed into a law, and made applicable to this country, pass from Tipperary to Yorkshire and see what the effect of it would be. The revising barrister had placed the names of certain persons in the list as being duly qualified as voters. Some of them lived at a distant part of the county, and in case of appeal to the judge of assize, they must go thirty or forty or fifty miles to the county town to defend their right, or their names would be struck off the register. Suppose when they were objected to they went to York; they would be detained there four or five days, at a period, too, when their labour was most valuable to them, and when their superintendence on their farms was most imperatively called for. Did the noble Lord consider that such a state of things was desirable in this country? He was sure that no one did so. The hon. and learned Gentleman who spoke last did not meet the difficulty as to the expense of the appeal, nor did he for a single moment attempt to justify the adoption of such a state of things in this country. Suppose, however, that this plan of the noble Lord's were adopted, what would be the inevitable consequence? The people, when they found that they were exposed to such harassing and vexatious proceedings, would not persist in making their claims to be placed on the register, and thus, by almost a matter of necessity one half of the constituency of Ireland would be cut down. Hon. Gentlemen opposite exclaimed over and over again, do not attempt to impute motives; he would not do so, but he must point out the consequences of such a proceeding. For instance, if in a large county, 300 objections were made at the summer assize, to voters living at a distant part of the county, the greater portion of the persons objected to could not attend to defend their claims, and they would consequently be struck off the register. One hon. Gentleman opposite observed, that it was a calamity to open the register before a committee—but recollect if it was so, it was only a calamity to the Member defending his seat. The calamity did not fall upon the voters, but upon the Member or the petitioner; but if this bill were passed, it might affect 300 or 400 voters in a county at any one assize. They would have intimation that they were objected to, and if they appeared, they would have probably to remain for some time with their witnesses in the county towns; and if they failed in supporting the decision of the assistant-barrister in their favour, they would have costs given against them. Would you leave it to the caprice of the judge to determine on this question of costs? This point was left entirely to the judge, who alone had to determine on the costs. The claimant might have to go forty miles to the place where the assizes were held, and although he might have had his name placed on the register by the barrister, still the judge might choose to have him mulcted of the costs. The hon. Member for Bandon had adverted to the integrity of the Irish judges. Putting aside the integrity of the judges, why place this duty on the judge of assize, which must involve him in the most disagreeable position. After having gone through all the civil cases, and after having heard the criminal cases, and discharged the duties in which his solicitude must be most deeply engaged, and in which all his feelings might be involved, and when he might have to pass the most awful sentence of the law on a fellow-creature, and when the feelings that had arisen on this account had hardly died away, was it right to thrust upon the judge new duties, and to involve him in contests from which it was hardly possible that he should escape, without a charge of being influenced by some political bias. You say, do not attack the judges; he said, do not expose and tempt the judges, by imposing duties upon them in the discharge of which it was hardly possible for them to escape the imputation of being influenced by political considerations. While hon. Gentlemen opposite were so loth to intrust the judges with the power of deciding upon their privileges, they should be slow in allowing the judges the power over the privileges of the people. He did not deny that there were men of intelligence and integrity on the judgment seat, but let the House recollect that they were men who might be influenced by those passions and prejudices incidental to all. He would suggest also to the noble Lord that there was a time when he did not take exactly the same view of the integrity of the judges that he did at present. This was not at a very remote period, for the

House must well recollect the charge that was brought against Baron Smith. On that occasion the right hon. the Recorder of Dublin said, that into a breast covered with ermine, factions and base passions could not enter. At that time the noble Lord stated that he did not wish to cast any imputation on the bench; but stated that enough had been shown to prove that there was matter for investigation. He now said that he did not wish to cast any imputations on the judges, but they were now casting upon them duties which they could not discharge without imputation. He could not help feeling that, under all the circumstances of the case, this bill was directed against that party in Ireland which it had repeatedly been declared the Government had received such important assistance and support. The great subject of attack of the great Tory party, for the last three years, had been the state of the Irish constituency; and, notwithstanding, two years ago, a great attempt was made to bribe them, by means of a subscription raised in this country, it had entirely failed, and they had now been obliged to resort to ulterior proceedings. At the time these subscriptions had been eloquently defended by the hon. and learned Member for Exeter, who now with equal eloquence and dexterity defended the bill of the noble Lord, having the same object in view as the subscription—namely, the defeat of the party to which he had alluded. The hon. Member for Belfast had alluded to the great expense that fell on a Member when the register was opened; but if he (Mr. Sheil) was not mistaken, that hon. Gentleman had the benefit of the great Spottiswoode subscription to aid him in his contest before the committee. Instead, however, of anything of this kind being repealed, it was proposed at once to strike the axe at the root of the tree, by cutting off the means of returning the present Members to Parliament. The result of the measure, if carried, would be to put an end to the goodwill and tranquillity that now prevailed in Ireland. They had settled the tithe question, and were, he trusted, on the point of settling another great question; and he was happy to find that strong feelings of amity were growing up between the two countries; but this bill would destroy all these feelings. In this state of things, why cast this firebrand among them? Why furnish the Irish people with room to suspect that Parliament wished to infringe the Emancipation Act, to violate the principles of the Reform Bill? It was impossible that the Irish people could look at this bill with any other feeling than disrelish; it was impossible they could agree to it. No, they had become too like the English; they were now too nearly assimilated to the people of England to submit to injustice; and that part which Englishmen had ever acted, and would act again, when their rights were infringed upon, that part would Irishmen, he trusted, be found prepared to act.

Lord *Stanley* rose to address the House, but

Mr. *O'Connell* also rose, and begged to point out to the noble Lord that the debate could not possibly end that night. He would appeal to the noble Lord, therefore, whether it would not be better at once to adjourn the debate. He moved the adjournment of the debate.

Lord *Stanley* said, I would earnestly make an appeal to the House. I have come here this day under circumstances of very great domestic affliction, in order to attend this debate, because I felt that very many Gentlemen had been called together from all parts of the country, to whom it would operate as a great inconvenience if this question were postponed. To do this I have left the performance, I am afraid of the last duties, to a near and dear relative, and I earnestly entreat the House, if possible, so far to indulge me as to permit this debate to close to-night. Or if the noble Lord opposite will distinctly state to me that he will have the kindness to grant to me the precedence to-morrow evening, I would for another four-and-twenty hours postpone that return, which I dare not postpone for a longer period. I have not the power of claiming the precedence to-morrow, and am aware that I must throw myself on the indulgence of the House either to permit the debate to close to-night, or to give me the precedence to-morrow, with the understanding that then the debate shall close.

Lord *J. Russell* said, that of course it was not in his power to do other than as the House thought proper. For his own part, if the noble Lord asked his opinion, it was that the debate could not conclude that night. He should be anxious for the House to allow the debate to go on the first thing to-morrow, and if any Gentleman who had motions for that evening saw grounds for complaining of this arrangement, he should be very willing to give them the precedence on Friday or Monday.

Debate adjourned.

HOUSE OF LORDS,

Thursday, March 26, 1840.

MINUTES.] Petitions presented. By the Earl of Zetland, from York, against the Opium Trade.—By the same, the Duke of Buccleugh, and the Earl of Aberdeen, from several places in Scotland, in favour of Non-Intrusion.—By the Duke of Sutherland, the Earls of Rosebery, Lovelace, and Clarendon, and Lord Redesdale, from a number of places, for, and by Lords Fitzgerald, Ashburton, and Redesdale, and the Marquess of Londonderry, against, the Total and Immediate Repeal of the Corn-laws.—By the Marquess of Northampton, from Merchants, and others, for Protection to the Church in Nova Scotia.—By the Marquess of Bute, from a Union in the North of England, against the Rating of Workhouses.—By Lord Bandon, from Bandon, against the Irish Corporation Bill.

THE CATHOLIC CLERGY (IRELAND).] The Marquess of *Westmeath* rose, to call the attention of the House to a matter with which, being merely personal to himself, he should not occupy their attention for more than a very few minutes. He had to complain of a misrepresentation published on Tuesday last, of what fell from him on Monday in that House, on the occasion of his giving a notice that he should, as to-morrow, call the attention of the House to the mode in which the Poor-law guardians were elected in Ireland. What he had said upon that occasion was this:—" That the interference of the Roman Catholic clergy in those elections was such a nuisance, that the time had arrived when it must be abated." The *Morning Chronicle*, in taking notice of that, had put upon it an interpretation the most unjust. If what he had said in that House was not worth calling attention to, it was perhaps not worth reporting; but if his observations were reported, nothing could be more unfair than to impute to him words and sentiments entirely different from those which he felt and expressed. He was reported as having said, that in Ireland the " priests were making themselves quite nuisances." There was no doubt that he had more than once spoken of the Irish priests as restless and intriguing, and as men whose conduct at all times proved that they were inimical to civil liberty. The history of all times in which popery existed, fully bore him out in attributing to them those qualities. He had been represented as saying that they had made themselves nuisances; that language, he was sure, had been imputed to him for the purpose of making it appear that he was intolerant. He felt convinced that it was done with that view; it was unjust and malicious. In looking at the reports which appeared in the other newspapers, he did not find that any one of them had put the same interpretation upon what he had said. Of the facetiousness in which a newspaper might indulge, he did not feel at all disposed to complain. There was usually great latitude enjoyed in that respect, and in this free country it was not to be made a matter of complaint; but perhaps he might be permitted to say, that in a recent case it had been indulged without sufficient foundation. It would be remembered, that in the last Session of Parliament there had been an inquiry instituted, after which he presumed that no man who was not a knave or a fool, could think of denying that an extensive Riband conspiracy existed in Ireland. He had noticed the fact, that the assizes at Tipperary had proved a maiden assizes—that is, there had been no capital conviction, upon which a paper, understood to be the organ of Government, observed that he ought to hang himself. Of that, however, he made no complaint; but he contended that the occurrence at Tipperary afforded no proof of the non-existence of a Riband conspiracy, since very recently two executions had taken place at Mullingar for a murder, committed in consequence of engagements arising out of Riband conspiracies.

Subject at an end.

LONDONDERRY PETITION.] The Marquess of *Londonderry* said, that since he came down to the House, he had learned that the petition which he had given notice he would present to the House from the city and county of Londonderry, had not been very generally signed, and had not been submitted to a public meeting. When he received the petition, he at the same time received an assurance that it was numerously signed. He thought, that under the circumstances, and as the bill must be further postponed, his best plan would be to withdraw his notice for the present, and at some future day, but previous to the discussion on the bill, again bring the subject under the consideration of the House, when he should go fully into the details of which the petition took notice. He had never been opposed to the just claims of the Roman Catholics; so far from being what was called a high churchman, he was diametrically the reverse, but he had come to the conclusion that great mischief would ensue if the bill were passed.

Lord *Holland* wanted to know why the petition had been withdrawn. They had been summoned to consider the petition, and he thought that it ought to have been properly prepared before they were called together.

The Marquess of *Londonderry* thought he had already given a sufficient explanation. He had now only to add, that he wished both petitions coming (as we understood) from Londonderry, should have a fair and full hearing.

Lord *Strafford* said, that he had received letters from Londonderry, stating that the inhabitants of that city—at least a considerable portion of them—had for the first time been made aware of the existence of this petition, by seeing a statement in the newspapers that the noble Marquis meant to present it. They were quite at a loss to know with whom it originated, there having been no public meeting, and the petition not having been left at the usual place for signature. It was certainly not a petition from the mayor and corporation.

The Marquess of *Westmeath* observed, it was not always safe to call a public meeting in Ireland; a man might get knocked on the head at one of those places. In many parts of Ireland it was necessary to prepare petitions privately, and privately to send them round for signatures. There was a wide difference between England and Ireland in this and in many other respects, and yet Ministers thought to assimilate the institutions of both countries, overlooking the important consideration, that the condition and character of the people were widely dissimilar.

Petition withdrawn.

HOUSE OF COMMONS,

Thursday, March 26, 1840.

Minutes.] Petitions presented. By Messrs. Greg, E. Buller, Ward, M. Philips, Brotherton, Wynn, Ellis, James, B. Wood, J. Fielden, G. Craig, Dundas, Wallace, and Major Aglionby, from a great number of places, for, and by Messrs. Bailey, Chute, Blennerhasset, Sir William Young, Colonel Rushbrooke, Lord Charles Manners, and Sir T. D. Acland, from a great number of places, against, the Immediate and Total Repeal of the Corn-laws.—By Mr. O'Connell, from Dublin, against the Irish Registration Bill.—By Mr. Ward, from Essex, for the Release of John Thorogood, and the Abolition of Church Rates.—By Mr. Ord, from the Isle of Wight, for Church Extension.—By Mr. B. Wood, from Hawkers in England and Wales, against the heavy Tax on Licences.—By Messrs. Pringle, and Lascelles, in favour of Church Extension.—By Sir W. Young, from Newport Pagnell, against the Opium Trade.—By Mr. Muntz, from the Beer Sellers of Birmingham, to be placed on the same footing as Licensed Victuallers.—By Mr. Dunbar, from Bute, for Non-Intrusion.—By Mr. Brampton, from one place, for, and by Mr. E. Buller, from several places, against, Church Extension.

Registration of Voters (Ireland)—Adjourned Debate.] The order of the day read for resuming the adjourned debate upon the second reading of the Registration of Voters (Ireland) bill.

Mr. Sergeant *Curry* said, having from my attendance at several registries and elections held under the provisions of the Irish Reform Act, acquired some knowledge of the working of that act with regard to the proceedings at such registries, I hope the House will permit me to make a few observations on the very important subject to which the bill now under discussion relates, and to state shortly the reasons why I feel myself obliged to oppose the second reading of it. I freely admit that the present system of registration is not free from imperfection, that it is open to some serious objections; and if the provisions of the present bill were calculated to remove those objections, or were to remove any of them, without at the same time introducing evils of greater magnitude, I should feel it my duty to give it further consideration. But being fully satisfied that such is not the object of this bill, and that, on the contrary, its provisions, if passed into a law, must materially impede the acquisition of the elective franchise in Ireland, I am compelled to oppose it. I have stated, Sir, that the present system of registry is open to objections, and I think the principal objecttions are, first, the difficulty and expense to which persons are exposed who seek to have their names placed upon the register; secondly, the doubtful construction of the words used in the Reform Act to designate the amount of the qualification which is to entitle persons to the elective franchise; thirdly, the continuance in force of the registry for eight years, without any means being given of removing during that period from the registry, those who have died or become disqualified; and fourthly, the impossibility (arising from the last cause) of having a correct list of persons entitled to vote prepared for an election. It is only to the two latter objections that the present bill applies, or for which it proposes to provide a remedy. It leaves the other evils untouched, or rather, it adds to and increases the first of them, by the additional difficulties it imposes on persons wishing to obtain the franchise. Those evils or objections are, in my opinion, of greater magnitude, in a public and constitutional point of view, than those which the present bill proposes to remedy. They are the causes to which is to be attributed the small number of registered electors in Ireland—a number comparatively insignificant, whether we compare it with the population of that country, or with the number of electors in other parts of the United Kingdom. By the appendix to the report of the select committee on election expenses, made in 1834, it appears that the proportion of electors to the population in the several counties in England is 1 in 24; while in the several counties in Ireland it is only 1 in 120. The county of Norfolk, with a population of 288,143 inhabitants, has 11,437 registered electors, being 1 in 25; while the county of Tyrone in Ireland, with a population of 304,468, has only 1,151, registered electors, being 1 in 260; and showing that Norfolk, with a population less by 16,000 than that of Tyrone, has nearly 10,000 more registered electors. What, then, are the causes of this comparative inferiority? If it does not arise from those I have mentioned, I would ask, to what it is to be attributed? The mere difference in wealth and property will not sufficiently account for it. The noble Lord had stated in his speech on introducing this bill, that under the Reform Act for the two counties, the power of acquiring the elective franchise had been given more liberally to Ireland than to England. If so, why has not this power been more fully exercised? Why have not the people of Ireland more generally availed themselves of this greater liberality on the part of the Legislature? It is because they have been prevented by the causes I have mentioned, and so long as those causes exist, many persons in Ireland, whose right to be placed on the register of electors is as good and indisputable as that of any hon. Member of this House, will not come forward to claim that right, or subject themselves to the delay and expense, to the annoyance, and sometimes to the insults, they are exposed to in doing so. To state a few of those difficulties: The claimant must serve a notice of his intention to register; this notice, though more simple than what is required by the present bill, is still sufficiently complex to give rise to many objections as to its form and requisites. The claimant must attend in person at the registry, sometimes at a distance of many miles from his own residence. He is there opposed by counsel and attorneys employed and paid by his opponents. He must prove his title to be registered by evidence applicable to the particular right in which he claims to be registered. If his title be founded on a lease or deed, he must produce it; if it be not properly stamped, he is rejected, though he was in no way blameable for that defect, as the leases are always procured and prepared by the agent of the landlord. He must next prove that his property is of the value required by the Reform Act, and it is here that the serious difficulties arise. The parties opposing him have employed persons to view and value his farm; they are produced as witnesses against him, and though he himself may swear that the produce of his farm, after payment of rent and all other charges, and the expenses of cultivation, yields him a profit of 15*l.*, 18*l.*, or even 20*l.* a-year, yet if those hired valuators will swear that a solvent tenant could not afford to give him 10*l.* a-year for his property, over and beyond the rent he pays, his claim will be rejected, and his opponents will hoot him out of court, as a person regardless of an oath, and as having attempted to place his name on the register by fraud and perjury. Should he appeal to the judge at the assizes, he must go through the same trial. He must attend himself and bring his witnesses to the county-town, a distance in some counties of fifty miles from his residence. He must pay his and their expenses — he must employ counsel and attorney to plead for him, and may possibly, after all, be rejected. But I will suppose he succeeds; and I ask how many of the class of 10*l.* voters are, with the prospect of success, able or willing to bear the expense, the delay and loss of time to which they are thus subjected, in their endeavours to have their names put upon the registry? I have thus stated a few, and only a few, of the difficulties which the claimant has to encounter. I have been anxious to bring before the House only those of a more striking character, and for this reason—that by the present bill not only is every one of those objections and hardships continued, but additional obstacles are created; and further, the unfortunate voter, or person claiming to be a voter, is obliged to pass through the same ordeal, not once in eight years only, as required by the Reform Act, but once in every year, and if appealed against, twice in every year, so long as his name continues upon the registry. One of my objections to the present bill is, that it does not attempt to remove those evils—its object is by annual revision, and the double appeal, to produce a more accurate register; an object certainly desirable, if it could be attained without introducing new or increasing existing obstacles to the acquisition of the elective franchise. But, after an anxious and careful perusal of the provisions of the present bill, I am bound to declare my firm belief and conviction, that if carried into a law, it will be an encroachment on the constitutional right of the elective franchise in Ireland. The arguments used in its favour are that the retaining the name of the elector on the register for eight years, though he may have died or lost his qualification, creates such evils that it leads to the multiplication of certificates of registry, which may be used for fraudulent purposes at elections; and that it tends to encourage perjury. But have we ever heard, or has any hon. Member on the other side been able to discover any case in which a third party has been guilty of falsely personating a person to whom a certificate had been granted, and of voting upon that certificate? No instance of such a case has been brought forward, and I think we may fairly infer that no such fraudulent attempt has ever been made. Next, as to perjury. I do not exactly understand how the provisions of this bill are calculated to diminish that crime, supposing a tendency to commit it exists, as is alleged, upon cases of registry more than in those of any other description—an allegation which I do not coincide in. If it does exist, what effect will this bill have in preventing it? Does it diminish the number of oaths? Not at all. But then it is said, there will be fewer Irish witnesses examined before committees on election petitions, and of course less opportunity to commit the crime. True, there will be less opportunity to commit it in England; but by the double appeal you increase the opportunities of doing so in Ireland. You change the scene from the House of Commons to the assizes, but you do not thereby diminish—on the contrary, you may give greater opportunities of committing the crime, if witnesses are disposed to be guilty of it. It has been further stated, in support of the present bill, that there are now the names of some thousands of fraudulent and fictitious voters on the register, which cannot be removed under the existing law. I confess, Sir, I was surprised at this statement: I could not have believed that any person acquainted with the manner in which the assistant barriers in Ireland—a body distinguished for their talents and legal acquirements—discharge their duties at the registry, the patience with which they investigate the several claims, or who had ever been present when the rights of the claimants were investigated and scrutinised by their opponents, would have ventured to affirm that any considerable number of fraudulent or fictitious voters have, since the first sessions which were held under the Reform Act, been placed on the several registers throughout Ireland. Cases of that kind did, I am aware, occur at the first registry, at a time when the provisions of the act had not received that construction which has since been given to them; but this mischief will in a few months be at an end. In November next that first registry will expire, and the present bill, so far as it seeks to correct that evil, will be useless and unnecessary. Having stated the evils in the present system which this bill proposes to cure, let me for a few minutes call the attention of the House to the stringent nature of the remedy. This bill puts an end to the existing registry, and it introduces a system of registering essentially different, and, in many instances entirely new, replete with difficulties to every new claimant of the elective franchise. It will be objected that these observations apply to the details of the bill, but not to the principle of it. But I say, Sir, that the principle of this bill, if it have any, is to be found in its destructive details. If they are so objectionable that no modification of them can remove their injurious tendency, then, I say, a case is made against the second reading of the bill. The objections to its details have already been so fully and powerfully stated, that I will not trespass on the time of the House by repeating them. The notice requiring ten particular matters to be stated, and making the omission of any one of them a decided bar to the admission of the claimant on the register—the annual revision with the double appeal, thus subjecting the voter whose name may have been placed on the register by the registering barrister, after a careful and minute examination into the nature of his claim, to the expense and annoyance of appearing before the judge to support the decision of the barrister, and at the additional risk of having costs awarded against him, if he should fail in doing so—the principle introduced for the first time into this bill, of empowering the barrister or judge to award costs against the claimant of the franchise, and against a voter whose name may be on the register—these are a few of the mischievous provisions of this objectionable bill. It has been stated, that the former bills on this subject, brought in by Sergeant O'Loughlen, and by Mr. Woulfe, Attorney-generals for Ireland, contained clauses, giving an annual revision and the double appeal. But it has been already ably shown by the learned Solicitor-general for Ireland that the bill of Mr. Sergeant O'Loghlen was in no other respect similar to the present, that it contained clauses facilitating the acquisition of the franchise, and also clauses which would have prevented any evil or mischievous results which might have attended the abuse of the power of objecting given by that bill. The bill of Mr. Woulfe did not give an annual revision, but it gave one annual registration, instead of the four periods of registration, which are, under the Reform Act, given in each year; and it provided, that when the claimant was placed on the list of voters, his right of voting should continue for eight years. His bill also gave the double appeal, not to the judge at the assizes, but to a court of appeal, to be held at the same places where the courts for the registration had been held, and thus guarded against the mischiefs which the double appeal might otherwise have produced. And I beg to add, that giving the appeal to another tribunal than the judge at the assizes, was a wise and salutary alteration of the existing law. The hearing of those appeals by the judge necessarily occupies a great portion of the time that should be devoted to the discharge of his other duties at the assizes; but any objection to making the judges the appellate tribunal, arises from a different and a better feeling. Entertaining, as I do, the deepest veneration for the judicial character, and the highest respect for the individuals who now occupy the judicial seats in Ireland, it is those feelings of respect and veneration, and my desire that they should pervade the breast of every one of my countrymen, that lead me to approve of any measure which would relieve the judges from the duty of deciding questions affecting political rights, and which would refer the decision of such questions to a different tribunal. I have. now, Sir, in conclusion, to thank the House for its indulgence, and to add, that as the present bill only partially corrects the evils of the present system of registration in Ireland (and in correcting those which it is its object to remove, it introduces provisions directly tending to encroach upon the important right of the elective franchise, by rendering the attainment of it more difficult and expensive than it is under the present law, and thus to diminish just, popular influence, and eventually destroy every feeling of independence in Ireland) I feel it my duty to vote against the second reading of the bill.

Colonel *Perceval* expressed his astonishment that not one of the many Members who supported the Government, and him who ruled it, had addressed the House. For his own part, he found it utterly impossible to catch two consecutive sentences of the long and tedious speech of the hon. and learned Member who had just sat down. Tedious, he would call it, because, however eloquent it might be, tedious it must also be when it could not be heard. However, he was able to glean one or two of the objections of the hon. Member—the annual revision of the registry roll, and the appeal to the judges, as well as that the principle of the bill was to be found in its detail. The object of the bill of the noble Lord was to amend the law with regard to the elective franchise. The hon. Member said, that fictitious votes were few. There were one or two facts respecting fictitious votes in Ireland which were known to himself as well as to the noble Lord, the Secretary for Foreign Affairs. In the county of Sligo, which he had the honour to represent, there were certain parties, tenants of that noble Lord opposite (Lord Palmerston) who had registered in 1832. Though their freeholds had expired on the death of William 4th, yet, in 1837, those persons whose names continued upon the registry roll from 1832, came forward, and voted against him. They could not plead ignorance of the death of the King, because he took care to inform them of the fact, and also to state their incompetency to vote on that occasion. They persevered, however, and he had written to the noble Lord upon the subject, who, with his usual courtesy, informed him, that his agent would give him every facility by the production of deeds and papers for prosecuting these fictitious voters for perjury. A similar case had occurred with tenants on the estate of the Earl of Kingston, who recorded their votes against him at the election of 1837. There was a third instance at the very same election of the most flagitious perjury; this was in his neighbourhood, within three miles of his town house—a landlord, who died in 1834, and upon the insertion of whose life into their leases, a number of tenants had become entitled to be placed upon the registry roll of 1832. Some of these tenants came forward to vote in 1837, upon a qualification which had determined three years before, and persevered in going to the poll. He (Colonel Perceval) informed them of the fact, and absolutely brought forward the son of the deceased landlord, who read to them the counterpart of the lapsed lease in his possession. Notwithstanding all that, these tenants came forward, and voted against him. There would no difficulty arise as to the judges, because those learned persons would, if it were necessary, find time sufficient to hear the appeals. The greater part of the time was occupied by the lengthy arguments of counsel. As to expenses to which voters were said to be subject, he could say, that claimants on the Liberal side were amply furnished with counsel, attorneys, agents, and solicitors, at the expense of the Liberal clubs; and as for the interference of the magistrates with the assistant barrister, he had not, during a constant attendance at these tribunals, known a single instance where a magistrate had interfered, except one in his own case, when he was instantly silenced by the presiding barrister. He viewed the opposition given to this bill as entirely factious, and founded upon no principle.

Mr. *Dennis O'Conner:* When the gallant Colonel said he could not hear the speech of his hon. and learned Friend, he was afraid he exemplified the truth of the maxim that—"There were none so deaf as those that would not hear."—The assertion of the gallant Colonel, that the electors he alluded to were guilty of perjury, was rather too sweeping; for it might have happened that their interest in the premises continued, though the life by which they held it dropped. In order to show that his view was a correct one, he could state, that a tenant of Lord Lorton was allowed to vote against him, though the life in his lease had expired, on the grounds of occupation and of continuing interest. The gallant Colonel asserted that the opposition to this bill was to its details and not its principle. He, for one, protested against its principle, because it tended to injure the franchise, by rendering its attainment more difficult, and its enjoyment far less secure. It was said, that the voter would not be obliged to prove his qualification a second time, unless objected to. But every body knew it would be objected to. Besides, the claimant was subjected to such an annoying examination, as to deter the bystander similarly situated from attempting to register, and himself from repeating the experiment. He entirely objected to the judges of assize being constituted a court of appeal. It was, indeed, said that the present bill would obviate the necessity of an expensive appeal to this House: but it should be remembered that such expenses did not generally fall upon the voters, but upon the applicants. He objected *in toto* to the bill, because he conceived that it tended to obstruct the present liberal policy which had worked so well for Ireland. It would generate excesses and disturbances in that country, by inducing those who were excluded from the franchise to take measures for preventing others from exercising that privilege—thus leading to violence and turbulence at the elections. He would decidedly support the amendment—that the bill be read a second time that day six months.

Mr. *Warburton* said, that before the noble Lord brought forward this measure, he ought to have demonstrated the good effects that had resulted from annual registration in England. That should have been his first course. All the bills that had been introduced upon the subject had been upon the principle of annual registration, both in England and Ireland; but there was a growing opinion that the benefits that had accrued in England from that system were not so great as it was originally conceived they would have been —that parties were put to a great annual expense—that, in fact, there was an annual election going on in the counties under the name of an annual revision. He believed he might, with truth say, that there was a growing desire, on the part of both parties, that the registration, so far as the counties were concerned, should not be annual, but that the revision of the objections to votes already on the registry, should not take place at a shorter interval than three years. So far as regarded boroughs, the general impression was, that the system of annual registration was beneficial. He conceived that the appellate jurisdiction was founded on false principles. The character of an appellate jurisdiction, as laid down by an authority which he was aware was not popular in this House, namely, Bentham, was, that,

> "It was an established maxim, that an Appeal Court should receive, as ground for its judgment, no other documents than those that had been submitted to the court below."

That was not the case in the present bill. He next objected to the constitution of the Court of Appeal. He did not think that the judges at common law formed the proper materials out of which a court of appeal from the revising barristers should be formed. He considered, in the first place, that the judges should be free from even the taint of a suspicion of being engaged in the decision of political cases. In the next place, if you wished to uphold any institutions, it was necessary that they should be entrusted to the hands of parties who had a zeal for their maintenance, and when he looked at the recent decisions in a certain class of cases—he alluded particularly to grammar schools and corporations—he could not conceive that the decision of election cases could properly be intrusted to common law judges. What already had been their decision in cases of the beneficial interest of tenants in Ireland? He could not think it safe to intrust the protection of the popular part of our constitution to such a tribunal as that proposed by the noble Lord. His last objection to the bill was that its effect would be most materially to reduce the number of voters in Ireland. At a time when complaints of the narrowness of the suffrage and prayers for its extension were pressing upon the House, should the voice of the people be met by a measure for still further reducing it. If the House sought to restrict the number of voters, could they expect acquiescence to their authority? Would they not strengthen the arguments annually made use of by the hon. and learned Member for Dublin, to convince the people of Ireland that justice was not done to them by that House. For the reasons he had stated he should vote against the bill.

Dr. *Stock* denied that the objections made to the bill had been confined to mere details, for they had been substantial and *bona fide* objections against its principle. He asserted, that while the bill professed one object, it was covertly directed at another. The concealed but real object of the measure was a blow aimed at the universal body of the electors of Ireland—a blow in violation of the national faith solemnly pledged at the passing of the Reform Bill. The inevitable effect of the bill would be to create a feeling of dissatisfaction, and such, it appeared to him, was the policy that had dictated the measure. At the same time, he did not wish to be understood as imputing unworthy motives to the noble Lord. But he was bound to say, that in his (Dr. Stock's) opinion, the bill would tend to derange the happy state of tranquillity in which Ireland now was, to destroy the fair prospect of peace and harmony, and in place to substitute that state of violence, immorality, and wretchedness, which a happy order of things had now nearly put an end to. The effect of the bill would be this. After throwing every difficulty, every vexatious impediment in the way of the claimant of the franchise, it would make his tenure of it, when he had once the good fortune to obtain it, hazardous and uncertain. His main objection to the bill was, that it would subvert the existing well-known and well-established system of registration in Ireland, and substitute in its place what would not only be troublesome and vexatious to the great body of electors, but would have the immediate effect of disfranchising a very considerable portion of them. For these reasons he should give it his decided opposition.

Sir *James Graham* thought that the character of the discussion that evening afforded a striking instance of the inconvenience of unnecessarily adjourning debates. He understood last night, that the adjournment was asked upon the ground that a vast number of Gentlemen on the opposite side of the House were anxious to express their opinion before the question went to a division. Yet an hour had scarcely elapsed since they had that evening been upon the point of dividing, no Gentleman on the ministerial side of the House rising to speak upon the question. This would certainly appear as if there was no great anxiety on the part of the Government, who procured the adjournment, to prolong the discussion, now that they had an ample opportunity. At all events, it was plain that there was no such desire on the part of her Majesty's Ministers. He had waited with great curiosity to hear what was the decision of her Majesty's cabinet with respect to this question. He had heard, indeed, the opinions of one of her Majesty's advisers—the opinions of the right hon. Gentleman the Vice-President of the Board of Trade, who had addressed the House on the previous evening with his accustomed ability. But he could not forget that that right hon. Gentleman had been so mixed up with Irish politics—had been in the habit of taking such extreme opinions—had been so decidedly the champion of passive resistance to the law itself—so warm an advocate of the repeal of the Union, and of a very large extension of the suffrage upon the most radical scale, that he did not think it would be altogether fair to take him as the exponent of the united government—for united he supposed it was—unless, indeed, the present question was to be considered as an open one. He had, therefore, hoped that some Member of the Government would long ago have risen to address the House, and to pronounce some decided opinion, or point out some decided course of policy to be adopted by her Majesty's advisers upon a matter admitted on all hands to be of such great and paramount importance. But having waited in vain, and still entertaining an opinion that upon a subject of such importance it was necessary, if possible, to extract some declaration from her Majesty's cabinet, before the House went to a division, he ventured very shortly to address himself to the attention of the Government, in the hope that some one of its Members would follow him when he brought his observations to a close. In the first place he should allude to what had fallen from the hon. and learned Gentleman who opened the debate that evening—the hon. and learned Member for Armagh. It was far from his intention to speak of that hon. and learned Gentleman in any other terms than those of respect. The reputation which the hon. and learned Gentleman bore in his own country, and in that House, would render it unbecoming on his part to pursue any other course; but as far as he could hear the arguments of the hon. and learned Gentleman, he appeared mainly to rest his opposition to the bill upon the great hardship which it would entail upon the Irish voter, by requiring him to specify all the circumstances under which he considered himself entitled to vote; and if he mistook not, he dwelt particularly upon the hardship which would result from the enactment, with reference to the lives on leases under which the voter claimed to be placed upon the list. Now, unless he was greatly deceived, the law, as it at present stood, required that the voter should produce the lease itself, or, in the absence of the lease, that he should make oath to the existence of at least one of the lives specified in it. Upon that point, therefore, the hardship imposed by his noble Friend's bill was no greater than the hardship that existed under the present law. In point of fact, according to the showing of the hon. and learned Gentleman opposite, all that his noble Friend's bill did upon this score was to require the voter to give, in a tangible and specific shape, the same proof that he was now compelled to give as to the nature of his qualification, prior to his being placed upon the list of electors. The hon. and learned Gentleman went on to talk of the extreme injustice and hardship of the clause awarding costs. The hon. and learned Gentleman said, that such a clause was unheard of until this extraordinary production of his noble Friend. What did the noble Lord the Secretary for Ireland say to that? Was not the noble Lord perfectly cognisant that at present costs were awarded on both sides—to the claimant, if he established his claim—to the objector, if he maintained his objection. Then it was said, "We object to this bill, not so much on account of the principle as of its detail; but the detail and the principle are so involved with each other, that we cannot discuss the one without considering the other. We will proceed, therefore, to point out certain objections which we entertain to some of the details necessary to carry the measure into execution, and if we succeed in establishing these objections, that will be our reason—our only reason—for voting against the second reading of the bill." The hon. and learned Member for Armagh had shown how weak these objections to the details of the bill really were. First of all, the hon. and learned Gentleman objected to the season of the year—the months of September and October—at which the revision was to take place. Then he objected to the mode in which the appeal was to be made, contending that it should be made to the judge himself. In the next place, he maintained that the specification of the title was too elaborate, and would throw unnecessary difficulties in the way of the voter. Every one of these were mere matters of detail, which would be freely open to discussion in committee, but had no reference whatever to the principle of the measure, and were consequently quite out of place when introduced as arguments against the second reading. If the bill were allowed to go into committee, his noble Friend would be prepared to consider every point of detail *seriatim*, and to make such amendments as should appear to be consistent with the principle upon which the measure was founded. The evil to which his noble Friend sought to apply a remedy—an evil admitted on all sides of the House—was this:—As the law now stood in Ireland a voter with only a colourable claim, and without any real qualification or right to the franchise, might, time after time, apply to the assistant-barrister for his certificate and be refused; nay, upon the refusal of the assistant-barrister he might apply to the judge of assize, and be again refused; but at last, upon some change of the assistant-barrister, either from ignorance, or some less excusable motive, the new assistant-barrister might place him upon the register, though, in point of fact, he had no legal title whatever to vote. Once placed upon the register, there he must remain, because against the decision of the assistant-barrister, right or wrong, there was no appeal. Once admitted upon the list, having no title whatever to be placed there, no redress was to be obtained except by an appeal to a committee of the House of Commons; and if the committee of the House should decide, as many committees had done, that the register should not be opened, this bad vote would be perpetuated, if not for the life of the voter, at any rate for a very considerable number of years. This was an evil that prevailed to some extent in Ireland: it was the evil of which his noble Friend complained, and to which he proposed to apply a good and efficient remedy. Hon. Gentlemen opposite said, that in proposing this remedy the real object of his noble Friend, and of those who acted with him, was to limit the franchise. He asserted that that was a gross misrepresentation of their object. Their object was to register every good vote; but, at the same time, to test the qualification—to prevent perjury—to detect fraud—to substantiate the qualification, and to vindicate the law. That he declared to be their object, and their sole object. But then it was said, "You seek to effect your purpose by a scheme of registration similar to that of England, which has proved to be a failure." There was a great fallacy at the foundation of that argument. It was not proposed to assimilate the scheme of registration to be applied to Ireland to the scheme of registration that now existed in England. It was proposed to have an annual revision of the lists of voters; but in all other respects the plan introduced into Ireland would be an improvement upon the plan in operation in England. It was true that his hon. and learned Friend the Member for Bandon had last year attempted to assimilate the registration law of Ireland to that of England; but in working out the principle, he found so many difficulties both in law and practice as to render it impossible for him to proceed with it. But the bill of his noble Friend was not intended to assimilate the law between the two countries. Having made that remark, he would now proceed to offer a comment or two upon what fell from the hon. Member for Bridport (Mr. Warburton) with respect to the defects—the notorious defects, as he described them—of the English system of registration. What were those defects? First of all, there was a want of uniformity in the decisions upon disputed claims, arising out of the ambulatory character of the tribunals. That would not be the case in Ireland under his noble Friend's bill, because it was there proposed to have a fixed judge of high character, who should be stationary in each county, and not ambulatory, like the revising barristers in England. But, then, the hon. Member for Bridport advanced a new argument. He said he was not prepared to entrust to any judge the decision of political rights. Then, how was there to be any system of registration at all? At all events, it was plain if no judge could be entrusted with the decision of political rights that there could be no revision. In the next place, the hon. Member complained that in England there was no appeal from the decision of the revising barrister. That was a defect which his noble Friend proposed to avoid by giving an appeal to a high tribunal, and this was no new invention on the part of his noble Friend. By the law, as it now stood in Ireland, there was an appeal on the one side to the judge of assize. A voter, whose claim had been unjustly refused, might appeal to the judge of assize. His noble Friend proposed to give to the same judge the power of deciding upon appeals made on both sides—appeals from objectors to votes, as well as from the claimants of the votes. Did the noble Lord the Secretary for Ireland object to that on principle? It would be some new discovery if the noble Lord did; for in 1835, if he mistook not, the noble Lord distinctly supported it. In 1836, Mr. Sergeant O'Loghlen introduced a bill involving that principle, and the noble Lord supported it. Mr. Sergeant Perrin also introduced a bill involving that principle, and the noble Lord supported it. Nay, in 1838, the principle of allowing the appeal on both sides, was distinctly admitted by the noble Lord. As far, then, as the principle was concerned, there could be no doubt that his noble Friend would have the support of the noble Lord opposite; and all points of detail, such as what the character and constitution of the appellate jurisdiction should be, might be discussed in committee. He had enumerated the first two objections taken by the hon. Member for Bridport. What was the third? The vexatious proceedings arising upon the annual revision of the lists from frivolous objections. How did his noble Friend meet that difficulty? By giving the power of awarding costs—a power which did not exist in England. His noble Friend, therefore, instead of proposing to assimilate the law of Ireland to that of England, with all its defects, proposed to introduce a bill that should give to Ireland all the advantages, with none of the disadvantages of the English law. There was a fourth objection, or rather he should say a fourth argument—that a system of registration to be satisfactory ought to be final; that after it had undergone all necessary scrutiny before a competent tribunal whose decisions should be checked by the power of appeal, it should be final and conclusive as against a committee of the House of Commons. In the bill now before the House, his noble Friend had adopted that principle. Taking advantage of the experience obtained by the operation of the English law, his noble Friend offered to Ireland a system of registration in which all the evils that had been pointed out in the English system were studiously and carefully avoided. The right hon. and learned Gentleman the Vice President of the Board of Trade stated that all this was vastly well; but then he objected to the provisions of the bill with respect to costs. It was proposed that the power of awarding costs should be vested in the judge of assize. But "oh!" said the right hon. Vice President, "what comfort is that? The most vexatious proceedings will often take place under this bill, and the only check provided against them is the power of giving costs, which power is to be left to the caprice of a judge." Why, really, if the judges of Ireland were not to be trusted with the power of awarding costs in cases of this kind, then he should say that the cry of "Justice for Ireland" was a mere phantom, and that the law in Ireland must be a cheat. If it were true that the system of registration proposed by his noble Friend would entail a greater expense upon the country than that which was now in operation, he still thought, that the fact of its being made final after appeal, even against a Committee of the House of Commons, was a boon of such immense importance to the voter, and to all parties concerned in elections, as to render the slight difference of expense a matter unworthy of consideration. He owned he had been much astonished at the new doctrine advanced in the course of the debate upon the present occasion—that the annual revision of the lists of voters was an evil. Upon that point an extraordinary change must have come over the minds of the hon. Gentlemen opposite. Annual revision was the constant day dream of Lord Althorp—one of the principal objects of those who framed the Reform Bill — it was even insisted upon by the noble Lord, the Colonial Secretary, in his letter to his constituents at Stroud. But now, without previous hint or indication of change, they were told by the hon. Member for Bridport, that annual revision had lost all its virtue in the eyes of its supporters, and that it was regarded by them only as a monstrous evil. Then hon. Gentlemen came to talk of the tendencies of the bill. The noble Lord said, he should watch with great jealousy the tendencies of the bill—amongst those tendencies, he ranked this; that the bill might operate to limit the right of voting. Undoubtedly, the bill would operate against fraudulent and fictitious voting; and if hon. Gentlemen opposite relied upon such votes, they would, no doubt, suffer from it, but it could not operate in any way to limit the right of the *bona fide* voter. No one who had read the evidence taken before the Fictitious Votes Committee, could fail of perceiving that under the existing system, such a degree of fraud and falsehood obtained, as, if left uncorrected, must in a few years, debase and destroy the character of the constituency throughout the whole of Ireland. To correct that evil was one of the objects of his noble Friend's bill; and, where it limited the right of voting, by striking at the root of fraud and falsehood, every one who did not benefit by either, or both of those vile accessories would admit it achieved a positive good. All other arguments failing, recourse had been had to personal attacks upon the character and conduct of his noble Friend. He was said to be the enemy of Ireland. When that assertion was made, he begged to remind the House of the character of his noble Friend's proceedings with respect to Ireland. He would remind the House, that from his earliest years his noble Friend had been a strenuous supporter of the claims of his Roman Catholic fellow-subjects to be admitted to an equality of civil rights, and that he supported those claims at a time when public opinion in this country was opposed to the concession; and when the advocacy of them was not the high road to popularity and power. And what was his noble Friend's conduct, when he was in possession of power? He would remind the House that by a measure of his noble Friend, church rates were repealed in Ireland, and the largest measure of ecclesiastical reform carried, that ever yet passed through the legislature. His noble Friend laid down the principles, and all but carried, that greater measure, which relieved the Catholic occupier from the payment of tithe, and placed it upon the Protestant landlord; he provided the scheme of education now in force for the great body of the Irish people, and he was the organ by which the Reform Act was passed, and which greatly extended the franchise in Ireland, notwithstanding all that the hon. and learned Member for Dublin might say to the contrary. He left the freehold franchise as he found it, and he put the household franchise upon the same footing as in England and Scotland, as he was ready, point by point, to prove; and while his noble Friend gave to Ireland the household franchise, he also gave to the owners of two or three particular species of leasehold tenure in that country, privileges which were not enjoyed by the owners of property in all other respects identical in England or Scotland. For there was this variation—that the time for which the lease was held was shorter, and the sum to be paid by the tenant was less in amount than in any other part of the United Kingdom. It still remained to be heard for what reason the second reading of this bill was opposed. He knew, that the hon. and learned Member for Dublin had denounced the measure. He had said, that her Majesty's Government durst not dissent from him in that opinion. He feared, in the absence of stronger reasons, that that declaration on the part of the hon. and learned Member would be found strong enough to decide the policy of her Majesty's Government. If it should not so decide them to oppose a measure, just in principle, necessary on account of the admitted defects in the existing system, for purifying that which was the very essence of popular government, the constituent body; if they should not yield, then there was the threat of the repeal of the union. This, after all, was the peace, the hollow peace, that existed in Ireland, and these were the means by which her Majesty's Government sought to prolong it.

Viscount *Morpeth* confessed that he was rather astonished by the opening observations of the right hon. Baronet, who had just addressed the House. He seemed to think it was a strange and preposterous thing, that upon a bill, which even in the intention of its authors, went entirely to remodel the present system of registration in Ireland, and which, in the opinion of the great body of those who sat on his side of the House, would virtually disfranchise the great mass of the Irish people—that upon such a measure, and so important in its consequences, an adjournment of one night's debate should have been demanded. The right hon. Gentleman said, and rightly said, that that adjournment was demanded upon its being stated that several Members on the Ministerial side of the House, wished to deliver their sentiments upon the bill. And how did the right hon. Baronet seek to controvert the truth and justice of that demand? By declaring that, a division was on the point of taking place. When? Was it after the House had heard a speech from the other side, so full of argument, that it was in vain to attempt to controvert it? No: but when the most able and argumentative speech on this (the Ministerial) side of the House, which took at least one hour in the delivery, and to which nobody opposite arose to offer a single observation in reply, till the field was taken this evening by the hon. and gallant Member for Sligo. What had been the subsequent course of the debate to-night? Did hon. Members on his (the Ministerial) side of the House show a disposition to shrink from the argument, and refuse to speak? No; on the contrary, several had spoken against the bill; while it was not until the *fidus Achates* of the noble Lord—the right hon. Member for Pembroke—stood forth, that any Member on the opposite side of the House was found ready to come forward and defend his much-abused and maltreated bill. The right hon. Baronet had expressed his anxiety that some Member of the Government should state their sentiments, and declare the line which they were prepared to take on the matter now immediately awaiting the decision of the House. That anxiety must have been very much allayed by the clear and able statement of his hon. and learned Friend, the Solicitor-general for Ireland last night. But when his noble Friend, the Member for North Lancashire (Lord Stanley), representing, indeed, an English county, but connected with Ireland, both by the situation which he formerly filled there, and by his still continuing connexion with that country as a landlord (and he was sure that that connexion would always be to the great advantage of that country, when that noble Lord brought forward a bill for the purpose of entirely re-modelling the system of registration, he thought he must have been primarily anxious to ascertain the views and sentiments of the great body of the Irish representatives upon the principles and details of that measure. Abundant light had been thrown already, in the course of his discussion, upon their views and sentiments, and he need not refer to the speech of his right hon. Friend (Mr. Sheil), for those who heard it would bear him out in saying, that there was nothing either in the talent or temper of that speech which the most fastidious could regret. With respect to his own views on this question, the right hon. Baronet had referred to the test, by which he stated, when the noble Lord moved originally for leave to bring in this bill, he should mainly be guided in the course he should think himself called upon subsequently to pursue; that was, as to the tendency he thought it might, or might not, have to obstruct and contract not any fraudulent and fictitious right of voting, but the legitimate exercise of the elective franchise in Ireland; and whether he referred to his own dispassionate views as to what was the tendency, and what would be the probable results of the bill, as now placed in their hands, or whether he referred to the impression generally conveyed to him from various quarters in Ireland; and which had also found such eloquent and emphatic expression in this House, he must say that he had no hesitation whatsoever in at once declaring that he was prepared to give his most strenuous opposition to the further progress of this bill. There were many points connected with the bill which had reference to legal details and professional practice, and which would be much more completely disposed of by those professional persons who had already given them their consideration. Those points he would gladly leave in their hands. Other points also would be inadequately treated by those who had personal experience of the working of the Irish system of registration, and who had given their personal attention to the laborious inquiries instituted by the Fictitious Votes Committee; and these topics he certainly should willingly leave to them. His own course was mainly decided by a few leading considerations, which he hoped he could distinctly, at all events, briefly, submit to the House. When he had on a former occasion the honour of addressing to the House a few observations upon the subject, he readily admitted the previous attempts which had been made by the Government to legislate on this subject, and the failure of those attempts; and he frankly stated the reason which deterred the Government in subsequent years pressing forward any measure on the subject, was, the hopelessness they thought they saw of inducing the two great parties in this country, or the two Houses of Parliament, to concur in any practical measure. Perhaps they had been in the wrong; and he could not blame his noble Friend in making this present attempt, but it was only when he should see the actual success of that attempt, that he should be prepared to admit the fallacy of his own conclusion. Having admitted the more than once repeated and unsuccessful attempts on the part of the Government to legislate on the subject, it was not necessary for him to say that he did not stand up to deny, and far less to defend, any irregularities, imperfections, or abuses, which might be chargeable upon the present system of registration in Ireland. He would not stop to inquire how far many of those irregularities, imperfections and abuses, were inseparable from any system of registration in any country, and which would attach to the system now proposed to be substituted in common with the present system, and where the right to the franchise was to be decided as a matter of opinion by any party. Neither would he stop to inquire whether, as he believed was the case, a very great proportion, if not the main portion, of such imperfections and abuses were not chiefly referable to the circumstances of hurry, the inexperience, and the neglect under which the original registration of the voters in Ireland took place under the Reform Bill of the noble Lord himself. That registration, it must be well remembered was not entirely carried on by the present assistant-barrister of the time being, but by the registering barristers specially appointed for that purpose, and without that zealous control and watchfulness of competing parties, which was now found to operate as an effectual check upon the conduct of each other. Therefore, it was obvious that any abuses or imperfections which might have arisen from these circumstances would not be likely to occur now. That original registration was now drawing to a close, and a total re-registry must soon take place, and that under circumstances not only widely different, but totally opposite to those which formerly prevailed. He conceived, that it was not in any wise essential to his present purpose and argument to contend, that the existing system of registration was in all respects a sound and satisfactory one. The question with which he had now to deal was, whether the system proposed to be substituted by the noble Lord would be calculated to amend it; whether it would render it more satisfactory—whether it would make it more conducive to the due representation of the people, or whether it would not, even if some of the present defects were removed, introduce evils of a more serious magnitude in their stead, and fetter, embarrass, and contract the elective franchise, and turn out to be a clog, a burden, and a mockery. Now, the main provisions of the bill he took to be (and what he supposed the Gentlemen on the opposite side, who were so clamorous about fixed principles, would call the principle of the bill)—annual revisions, and the double appeal, both an appeal for as well as against the franchise. That was to say, a provision that every registered voter should be liable in every year to be objected to, to have his qualification revised, and to be called upon to appear to make good his claim, in the first instance before the assistant barrister at the registry court, and to be further called upon to appear personally to make good his claim at the assizes, and there to undergo the same ordeal before the going judge. Now, he took it upon himself to say, if they might judge from past experience, that if this might be done in Ireland, to a very great extent it would be done. Were the provision good or bad—were the effect upon the franchise salutary or otherwise—yet if this provision passed into a law, he would take upon himself to say, that this annual revision of the voters before the revising barrister, and this annual appeal before the judge, being in fact no less than an half-yearly registration, might be confidently expected to take place. Now it was said, and it was the main gist of everything that had been advanced on the other side, that these provisions for the annual revision and for the appeal were contained in the bills introduced by the law officers of the Irish Government to which he (Lord Morpeth) had the honour to belong. The first bill was introduced by Sir Michael O'Loghlen, the present Master of the Rolls, and the subsequent measure by the now Lord Chief Baron Woulfe in connexion with himself. But he denied the assertion, that these provisions were contained in either of those bills. The representation was entirely incorrect. Neither of those bills applied the annual revision to any but new or fresh matter. In the bills of 1835 and 1836, which were brought in by Sir M. O'Loghlen, it was enacted, that the barrister should not be at liberty to advert to or allow any objection whatsoever, which existed or might have been made against the vote at any prior registration. The circumstances therefore remaining the same, the voter, by those bills, would not have been liable to be called again before the revising barrister till the expiration of the period for which he had been registered—that was, for the period of eight years. In this particular—this most important particular—this diving and pervading particular, the bill of the noble Lord differed essentially and directly from those previous bills. The bill of the noble Lord introduced, for the first time, universally throughout Ireland, the annual opening of the registry, and the revision of every case *de novo*. The bill of 1838, which was brought in by himself in conjunction with the Lord Chief Baron—and to which, perhaps, it would have been more candid for hon. Gentleman opposite to have referred, as containing the latest provisions and decisions of the Government upon this matter—that bill contained no provision whatsoever for the annual revision of the votes. The fact, then, stood thus—that in the two bills brought in by Sir M. O'Loghlen, the provision for an annual revision was confined to fresh voters; and the bill brought in by Chief Baron Woulfe contained no provision at all upon the subject. When reliance was made upon the precedent established in England in favour of the annual revision of the votes, he must say, that from all the representations which had been conveyed to him from those parts of the country with which he was most familiar, and from those who, having given their personal attention to the subject, were more cognizant of its bearings—he was led to doubt whether this practical annual revision, even without any appeal, was not found in this country—increasingly found every day—to be vexatious, expensive, and burthensome to all parties; and whether it was not found that, as to many persons who were really qualified to vote—persons, therefore, whom the Legislature ought to encourage to make and not to deter from making their claims; and to supply them with facilities and opportunities for authenticating their right—whether this system did not inspire them with a growing distaste to appear annually before the primary tribunal of the revising barrister. If this were so he was very much led to doubt whether the Government acted wisely and judiciously in proposing so great an assimilation to the English practice as was proposed in the two bills which were first brought in, but from which they receded, and abandoned in the bill which they last brought in in 1838. It was also a question with him whether it would not be far more wise and salutary to introduce a somewhat longer period of registration in England, more after the fashion of the Irish law in this respect, than to saddle the Irish with the annual revision system of England. The right hon. Baronet was pleased to remark, that this was quite a new notion on this (the Ministerial) side of the House. Now, it had not escaped his (Lord Morpeth's) memory, that when the subject of registration was discussed last Session his noble Friend (Lord John Russell) distinctly stated that such was his opinion, and that he could not support a bill which did not contain a provision of that sort, and he suffered the bill to drop. But he (Lord Morpeth) certainly did admit that there were portions of the present bill which were contained in the previous bills brought in by the Government. But those bills, also, as the House had been frequently reminded in the course of this discussion, contained other enactments declaratory of what the Government contended was the intention of the framers of the Reform Bill, but which hon. Members opposite contended as being not declaratory of those intentions, or as containing matter which, in any event, it was not salutary or wise to confirm. He admitted that the point of joint tenancy, and what went by the name of beneficial interest, that the present bill did correspond with those to which he alluded. With respect to the question of beneficial interest, upon which so much had been said, he did not himself wish to enter into a discussion. He was quite content to let that question rest upon what, the noble Lord himself had said in the debate on the Irish Qualification Freeholders Bill, on the 26th March, 1829. The noble Lord, on that occasion, in answer to a question put by Mr. Leslie Foster, said—

> "That it was quite sufficient for the freeholder to show a beneficial interest of 10*l*, without calling on him to show that a solvent tenant could afford to pay 10*l*. more." "The hon. Member for Louth had put a question which had been frequently put from his side of the House, that if they did not adopt the proposal before them, he saw no middle course that could be taken. Now he (Mr. Stanley) did see a middle course. The objection made was not that the franchise had been raised from 40*s*. to 10*l*., but that it was raised to a much higher sum, and that a new rule was established for ascertaining the real value. The middle course which he (Mr. Stanley) saw was to demand proof of a *bonâ fide* 10*l*. interest, and no more."

Upon this view of the case, and which he believed had in some of the tribunals in Ireland been acted upon, the noble Lord had acted most consistently when he introduced this measure to the House to enforce that view of the question of beneficial interest. But whatever might be the merits of the enactments which this bill contained with respect to beneficial interests, it must be confessed by hon. Gentlemen opposite, that the bill which was introduced in 1838 by the Government, contained provisions that went to secure and to ascertain, if not to extend, the elective franchise in Ireland. It might have been a doubtful policy so to extend the franchise; but at all events, it did in some measure go to expand, and not to limit the elective franchise, while the present bill contained no clauses which were calculated to have that effect. Therefore it was plain that a bill containing no such enactments could not hold out the same temptation to the more ardent friends of the popular franchise than a bill which did contain them. At all events of this he was sure, that neither any Member of the Government or any of their Friends would have supported a bill, such as was introduced in 1838, if it had not the recommendation of those enactments which might have been looked upon as mitigating and qualifying the other more restricting provisions of the bill. But the bill of the noble Lord threw an abundance of difficulty in the way of the acquisition of the franchise. It contained abundant checks, and guards, and restrictions, and displayed abundance of jealousy against the popular franchise in Ireland; but what he contended was, and what he complained of was, that there was not one page, not one line, or syllable, or letter, in any of its provisions, which had any possible tendency to facilitate or to help the voter to, or remove obstructions, or lighten difficulties in the way of the acquisition of the franchise. If the noble Lord was to be looked upon according to the statement of the right hon. Baronet, as the parent of the Irish Reform Bill, he was sure that a measure which could more wear the impress of a step-dame than the present measure, it was quite out of his power to conceive. Then the right hon. Baronet undertook to explain for the noble Lord the favour which he had shown to Ireland in the provisions of the Reform Bill. He stated that the noble Lord left the freehold franchise as he found it. That was no doubt true, but that he gave in respect of copyhold and leasehold tenures. [Sir *James Graham:* I never mentioned copyhold.] No, but with respect to leasehold tenure, he gave more liberal terms than had been extended to that description of property in England or Scotland. The right hon. Baronet did expressly omit copyhold tenure, but the subject was mentioned by the noble Lord himself, though the right hon. Baronet had the best reason for not naming it, inasmuch as there was barely such a thing as copyhold tenure in Ireland. With respect to this line of argument, he believed that the stoutest friends for the extension of the franchise were ready to meet the noble Lord on this ground, and that if Parliament were disposed to confer the English franchise on the people of Ireland, they would be willing to receive either the registration system established in England, or even the system proposed by the noble Lord himself. Some of the clauses of the bill had undergone considerable revision by those who had preceded him in this debate. There was one clause which proposed to give to the Lord-lieutenant the right of appointing additional places for holding the registry in Ireland, and this was held out by the hon. Member for Monaghan as a boon conferred upon the voters and people of Ireland. Now, so far from its being a boon, he contended that its only operation was to limit the power now entrusted to the Lord-lieutenant of Ireland. He had now the unshackled power of appointing any place for holding the registration, but this bill made it necessary that there should be a previous application to him to exercise that power by no fewer than five magistrates. Was it likely that there would be found in every county in Ireland such a number of magistrates possessing a sufficient fellow-feeling with the exigencies and wants of the voters as would induce them to make this application? He did not see why the magistrates (who, in a matter in which they had a most direct concern—he meant the appointment of places for holding the Quarter Sessions—had no power to interfere with the Lord-lieutenant) should be required to make this application, thus shackling the authority and discretion of the Lord-lieutenant on a point with which they, as magistrates, had no particular connection. Then, with respect to costs, he thought the provisions relating to them would be found extremely burdensome and oppressive in their operation. The right hon. Baronet had quoted the provision in the English bill, to show that costs might be awarded against the claimant by the revising barrister; but in England the declaration of the claimant was held to be in itself sufficient to support the claim; whereas in Ireland he must produce all his title deeds and documents. But what was the measure of the costs fixed by the noble Lord? The difference between the amount in England and that proposed for Ireland showed the *animus* of those by whom this measure was prepared. In England the cost to be awarded could not exceed ten shillings; whereas the tender mercy ef the noble Lord for the poorer country had induced him to run up the sum to *5l.* and *10l.*; *5l.* before the revising barrister, and *10l.* in the subsequent instance when he came before the judge at the assizes; and this, although he might have been duly registered, in the event of the judge not concurring in the opinion of the revising barrister who registered him. With respect to the schedules, the right hon. Baronet seemed to think that he had an answer to the complaints which had been made to this part of the bill, because the Solicitor-General for Ireland had admitted that many of the matters contained in the schedule were now made use of for the purpose of substantiating the proof required before the revising barrister. But what was complained of was, not that subsequent proof should be required before the revising barrister who had to go through the merits of the case, but it was the accumulation of these multifarious heads which the noble Lord had made it imperative on the claimant to put into his notice, the omission or non-proval of any one of which would subject the claimant to have his claim rejected. In England all that was required to be set forth was the name and residence of the claimant, the right in respect to that value, and the nature of the qualification which entitled him to be registered. These were very short, simple, and plain requirements, whereas, if they turned to schedule B of this bill, there would be found a laborious division of eleven columns. Why, the battle of Hercules with the hydra would be nothing to these multiplying and germinating heads which the noble Lord had proposed to introduce into every claimant's notice. If they wished to effect an alteration in the present system of registration in Ireland, with the view really of removing what, according to the grave representations of the hon. Gentlemen opposite, were the evasions and the impositions of the present system, and to remove the doubts and ambiguity that already existed, he for one would not consent to remove these errors by introducing other provisions which would give rise to counter ambiguity. For himself, he doubted whether they would be able to arrive at a satisfactory solution of the case, unless they took the matter of the ascertainment of the franchise from what he would call the influence of opinion; unless they took as a criterion for the beneficial interest some authentic rate or valuation; if the rate or ascertained valuation should show that the person rated had a right to vote, it would make the matter of registration simple, and would remove all doubt and ambiguity. But this was a new principle, and it could not be adopted till after serious consideration; nor could it be carried into effect, or the results accurately ascertained till the valuation under the Poor-law bill, which was going on, should be completed. But as he viewed the tendency of the bill of the noble Lord, he did think that in a country situated as Ireland was, where they had a registry court attended by two opposite political parties, having on one side the agent of a powerful and wealthy landlord, who was anxious to establish the right of voting in such tenants as would not act except in submission to his wishes; and on the other side, the smaller leaseholder and farmer, to whom the expenses of a day's journey to the revising barrister's court, or to the assize town, was a matter of great moment, particularly in connection with a subject that did not touch his pecuniary and personal interests, but was only to procure the exercise of a right with which the Legislature had thought fit to invest him, and which might easily be represented by the landlord as likely to be nothing but an incumbrance—he said, that in such a state of society, a bill which involved an annual revision, which involved an appeal both ways to the judges without the intervention of a jury, and thus virtually making the judges the revising barristers, and which gave the costs at the option of the judge, would have the effect of wheedling away, or worrying out, or extirpating the franchise with a great part of the people of Ireland, who were not prepared to square their views in entire accordance with those of their landlords. The motives from which he opposed the noble Lord's bill were strengthened by the fact that he did not see in it a glimpse of any thing that could give security, or facility, or extension to the elective franchise, and that it contained nothing from beginning to end but apt contrivances to fritter, to impede, and to diminish that franchise. And what constituted his greatest objection to the bill, it could scarcely be denied that the operation of the bill would increase the difficulty of acquiring the franchise, because it would deter many by the expense and the vexation attending an appearance at every revision court and every assizes, from incurring the displeasure of their landlords; because many would, on this account, object to register at all; and because, if this were so, it would, in the present state of party warfare, drive and compel the popular party in Ireland to look for some stimulus commensurate with the emergency. If hon. Gentlemen opposite should increase the difficulty and the expense of acquiring the franchise, they would drive the opposite party to stimulate those passions by which alone they would be capable of counteracting these difficulties; they would give rise to constant pressure and to violent political agitation, on whatever popular topic might arise. Considering, then, that the operation of the bill would be to limit the franchise, that it would throw increasing difficulties in the way of obtaining votes, that it would lead to much evil, that it would excite deep political discontent, and that it would foster political agitation, he should give his most unhesitating opposition to the further progress of this bill.

Lord *Stanley* must, in the first instance, beg leave to return to the House his most unfeigned thanks for the readiness with which, from motives personal to himself, they had consented to depart from the usual order; and, when they considered an adjournment necessary, they had permitted the discussion to come on at that early period of the evening, and had enabled them finally to dispose of the bill that night. He should ill requite the courtesy which had been shown to him if he trespassed upon the time of the House, more than to take up so much as was necessary for the purpose, not of recriminating, nor of vindicating the motives with which he had introduced the bill, or of vindicating himself from the imputations that had been cast upon him, but for the purpose of vindicating the bill which he had introduced, courting as he did the utmost strictness of inquiry, from the charges which had been brought against its provisions. He would defend himself from no imputation of an *animus* hostile to Ireland, or to the franchise which existed in that country, because those Gentlemen who were connected with him, those who had afforded to him most valuable assistance in preparing the measure, and those who had pressed him to undertake the conduct of the bill—for he did not seek to introduce the measure of his own mere will—sufficiently knew what were the views with which he had entered upon the discussion of the details of the bill, how studious he had been in framing those details to avoid anything which should restrict or fetter, or impede the franchise of the voters in Ireland. He agreed with the right hon. and learned Member for Tipperary that to political professions of candour and of good intentions, the House was indisposed to listen, and he would therefore proceed at once to discuss the principles of the bill. But he must be permitted to say, that he had attended to the discussions on this bill with unmitigated surprise; not of surprise that the bill was opposed, for he had good reason to expect opposition, but of surprise at the grounds and at the arguments on which that opposition had been based, and of surprise most of all at the persons by whom those arguments had been used. He had understood that on Saturday last, at the Corn Exchange, Dublin, the hon. and learned Member for Dublin, whom he had hoped to have heard before that time in the course of that debate, made a long speech to a large body of his constituents there assembled; and after going at great length into the details of the bill, ended by stating that he was utterly unable to fathom all the details so as to prepare a report for the committee appointed specially to investigate the provisions of this bill, and who ought to have submitted such report. The hon. and learned Gentleman formed a sort of monopologue. He remembered that some years ago an ingenious gentleman, Mr. Mathews, gave such a performance, and they saw in the play-bills of the day the part of so and so by Mr. Mathews, the part of the second character by Mr. Mathews, the part of the third character by Mr. Mathews, and in fact, every part in the play was by Mr. Mathews. So the hon. and learned Gentleman on Saturday last stated that the time had not been enough, and that he had not had sufficient leisure to prepare the report for the committee on the bill, the provisions of which he was still investigating. On Sunday, however, he appeared in the second part—he produced an elaborate report to the committee, the committee produced it to the meeting, the report was read, it was unanimously adopted, a petition was put forth, and then the hon. and learned Gentleman came forth in his third character—of a petitioner. The petition was at once adopted, it was to be circulated throughout Ireland, and these were the professions which were set forth by the petitioners:—

> " Your petitioners most respectfully inform your honourable house that they have with much anxiety considered the provisions of that measure; they implore your honourable house to believe that they have done so with the sincerest desire to form a just judgment upon it, and with the truest intention, and the hope of being enabled, even if they could not approve of all its details, to suggest any alterations which might fairly carry out the true spirit of the Reform Act, and fulfil the just expectations of the people."

That very meeting, before the bill had been introduced, had issued their instructions that any bill proceeding from him should be opposed. He believed that the Gentleman who presented that report, had said that it was a sufficient ground for repudiating this bill, that it was introduced by him, and afterwards, said the hon. and learned Gentleman, in the name of himself, in his character of the committee that presented the report, and again in the name of the people of Ireland in his character as petitioner, said

> " We have considered the provisions of this bill with much anxiety ;"

And they who had condemned the bill, whatever it should be, because it came from him, stated further, that they had the

> " Sincerest desire to form a judgment upon the bill, and with the truest intention, and with the hope of being enabled to suggest alterations that might render it a bill that would fairly carry out the true provisions of the Reform Act."

Now, after reading this petition, he would only ask the House, whether it could believe what the petitioners said; and whether it ought not rather to place this allegation in the report, and in the petition among that class which the right hon. Gentleman the Member for Tipperary called political professions, and to which, as he said, no great credit attached. But there was one satisfaction to him in discussing this question, that no single Member who had got up at any time, repudiating, as they all did, the principle of the bill, all agreeing to reject the bill because of the principle, and all refusing to enter into any consideration of the details of the bill in committee, denied or palliated the monstrous abuses which he had demonstrated when he had asked leave to bring in this bill, and on demonstrating which to the House, and on stating the remedies which he proposed, the House had felt that they could not refuse their assent to the introduction of this measure. They had been told that they had better make short work of the bill; and so it might be better for hon.

Gentlemen to make short work of the bill than to discuss it. But if, when he first stated the principle of the bill, it had at that time appeared so repugnant to the feelings of the noble Lord and of her Majesty's Government, it would have saved much personal trouble to himself and would have economised the time of the House, if the House had then, at the very first stage, made short work of the bill, and have stopped it before it had come to the mere mockery of a discussion. No one denied the evils that existed—no one denied that the mode which he adopted would palliate or remove the greater part of the evils to which the present system was liable; but, on the contrary, the bill was met with the most contradictory objections, although every one agreed in this, as the noble Lord called it, their downright opposition to the further progress of this bill. The main objection of the hon. Member for Roscommon was, that this was an assimilation of the law of Ireland to the law of England. The hon Member set out with making an assertion, which, with all respect, he must call a complete misrepresentation, that the principle laid down in this bill was an assimilation to the law of England; and indeed both the statements of the hon. Member were misrepresentations, for he said that when he (Lord Stanley) thought that he was about to found a good system of registration in England, he had refused to extend it to Ireland; but that now, when there existed a system in England which had been proved to be vexatious, and which was universally condemned, he was about to force it upon Ireland. Now he had refused to sanction the introduction to Ireland of a new system before it had been tried and tested in England; but at the same time he had said explicitly that if he found the system of an annual revision or registration in England to work well, he would introduce it into Ireland with such modifications as should be necessary to meet the difference in the Irish franchise. He admitted the test of the hon. Member for Bridport. He had waited till the system had been tried in England: the system had been tried, and he had heard for the first time that night that the existence of an annual revision in England had been looked upon as vexatious, and as annoying. He said, on the contrary, that although bill after bill had been brought into that House, altering constantly the details of the registration in England, in no one bill that had been brought forward, in no single speech that had been made, had a hint been dropped on any side of the House that an annual revision was one part of the registration that ought not to remain. Had any one asked them to get rid of it? Had any one asked them to go back to the former system, or to adopt the substance of the Irish system of certificates? He was not sure, indeed, that the noble Lord the Secretary for Ireland in his very last change might not have thought that a system of certificates such as existed in Ireland ought to be adopted, and that it was preferable to the system of annual revision. The hon. and learned Gentleman the Solicitor-general for Ireland last night quoted a passage from the *Law Magazine*, a publication on which he passed a high eulogium for the talent with which it was conducted, contained in an article written in 1837, in proof of his assertion, that the able men writing this magazine were opposed to a system of annual revision. He was not sure that he had the same number as that referred to by the learned Gentleman; but in a number for 1837 he found an article on the provisions of the bill of the hon. Member for Bridport, who proposed to substitute a new system of registration in England, not doing away, however, with an annual revision, for that was a fresh thought, a new light that had broken in upon the hon. Member for Bridport, who had just found out that an annual revision in counties had become very inconvenient of late; and so the hon. Member, who was, he believed, a friend to annual elections, thought an annual revision too expensive to suit his views, and he who would have annual elections now said, that it would be better to have a registration only once in three years. In 1836, however, he did not go so far in his views; he then proposed an "ambulating tribunal," going round and round a circuit. By some strange fancy the House passed his bill, and it was upon that bill that the *Law Magazine* commented. After stating that the bill had passed the Commons, but that the Lords had struck out much that was bad, for which they were of course blamed—that the Commons had rejected this amended bill, and that the Lords were entirely right, and the Commons entirely wrong, as they always were, that was literally in the very article which the learned Gentleman produced as an article written to show the objections to an annual revision. [Mr. *T. B. Hobhouse:* Who writes the *Law Magazine*?] The Solicitor-general for Ireland would probably tell the hon. Gentleman that no counsel was at liberty to impeach his own witness. The *Law Magazine* was introduced into the debate by the learned Gentleman, the Solicitor-general; and then, when his own witness upset his cause, up jumped an hon. Gentleman behind him and asked, "pray who writes the *Law Magazine*?" First an attack was made upon the bill because it did assimilate the Irish to the English system; he repudiated that assimilation altogether, and then the hon. Baronet, the Member for the West Riding of the county of York, admitting that it was quite different from the English system, which was full of faults and defects, said that he was willing to adopt for Ireland a bill that he meant now to oppose on principle, if he could only obtain a similar bill for England. It was so much better than the English system, that if the hon. Baronet could get a similar bill, he would much like to take it; but no such good measure could be expected to be adopted in England, and so he would vote against the principle of the bill, and not allow it to be for one moment discussed in committee. The Member for Limerick (Mr. S. O'Brien) next said, that the abuses under the old system were not denied by any one, and that abuses existed under the present system of certificates no one doubted. The hon. Member for Limerick said, that he agreed with him that it was a question on which legislation was required. He agreed that the present system was objectionable, that under it there might be double and treble and quadruple certificates, which he held must induce perjury—he agreed that many persons were left upon the register after losing their qualifications—he agreed that this led to subsequent contests for the seat before committees, and the hon. Member agreed in a great many more things, to which he would afterwards refer, and then the hon. Member came to the conclusion to oppose the bill. But although nobody denied that old certificates might be produced, yet he was asked to produce any instance of a fraudulent use of the old certificates. [Mr. *Sheil:* Numerous instances.] It was numerous instances now. He did not attend the registration courts in Ireland; he saw, however, the hon. Member for Wicklow present, and he admitted, with great pleasure, that he had heard of no county in Ireland in which there was so little abuse of the registration, so few fictitious votes, and so few double certificates, as in the county of Wicklow. And the hon. Member for Drogheda (Sir William Somerville), who opposed what he rightly described as the principles of the bill, the annual revision, the double appeal, and the doing away with the inquiry before the House of Commons, seeing that abuses existed, was prepared to join with him in doing away with the double certificates, but the hon. Baronet doubted whether the abuse existed to any very great extent. The hon. Member for Belfast (Mr. E. Tennent) had just put into his hand a statement which he had received that morning from Belfast with respect to the double certificates there. He thought that his hon. Friend had stated, that the number of persons having certificates of registry were between 6,000 and 7,000, but that the number really capable of voting was about 1,900 or 2,000. The number of persons who had more than one qualification, would appear best from the number of double registrations which were very large. It appeared, that no less than 174 persons were registered three successive times, that twenty were registered four times, that two were registered five times, and that one elector was registered no less than six times; so that, for the whole 197 electors, 618 certificates were held, which, by a judicious distribution, might all be made use of at any election for the town of Belfast. The hon. Member for Dublin asked them the other night whether they did not know that it was the practice of the revising barristers to write "re-registered" at the back of the former certificate? He did not know that such was the practice; it might be, but there was no law requiring it; and even if they did put the word at the back, was it not a mark that might be easily effaced? The barrister handed the new certificate to the claimant, and he gave back at the same time the old certificate, so that there was little difficulty in using every one for different persons. There might be abuse; and when it was said that there were no instances of such abuse, he would give the right hon. Gentleman, the Member for Tipperary, an instance, which, although it rested on the statement of a Gentleman opposed to the hon. Member in politics, was one which he would readily admit having taken place in the writer's presence. It was a statement of the son of the hon. and learned Member for the University of Dublin, not then present, (Dr. Lefroy), of what took place before himself at Granard. A claimant came up to be re-registered; he looked so young that it seemed hardly possible that he conld have been originally registered so many years before, as the certificate would indicate, for it was dated in 1832. On a strict examination, it turned out that the young man's Christian name was the same as that of his father, and that the certificate had been given to the father, who had since died. After this discovery, the agent attempted to register the son as a new claimant, but the attempt completely failed, for it appeared that the claimant had not any right. Perhaps the right hon. Gentleman would object to this as a single case, coming from a Gentleman of opposite politics; the right hon. Gentleman would not, however, object to the evidence of Mr. Ternan, given before the committee on fictitious votes, and who introduced himself to the committee as having taken an active part, as the friend of Mr. White, in the county of Longford. He was asked—

> "You have no doubt that there are names upon the register of persons who have long since lost their qualification?—I think there are.
>
> "On both sides?—I think there are.
>
> "And that, therefore, it must be very desirable to have a review of the register?—Yes, I think it would be desirable.
>
> "Would it not be a measure of justice to the fair constituency, under such circumstances, that there should be a review of the register?—I think it would be useful.
>
> "Do not you think it would be a measure of justice towards the fair constituents?—Yes, if it would be useful it would be just."

That was the principle which he (Lord Stanley) wished the House to establish by the passing of that bill; he wished to give a measure that would be useful to the fair claimants; and if the House pleased, a measure to disfranchise those who should not have any right to be upon the list. Mr. Ternan said, in continuation,

> "Is not there a practice of re-registering upon certificates?—There was in 1832.
>
> "Men came up and registered upon the mere production of certificates of former registries?—The agents upon both sides had the certificates of former registries, and produced them, and got them renewed.
>
> "Without the claimant appearing or being examined?—Yes.
>
> "That necessarily must have left an opening for unqualified voters?—Yes; there were certificates taken out for men that were dead long before.
>
> "And those all remain upon the register to this hour?—Yes, they do.
>
> "When once the name is put on, it remains?—It does.
>
> "Do not you think the system of registering upon certificate, without the attendance and examination of the claimant, very much calculated to introduce fraudulent and fictitious voters upon the register?—I know that certificates were taken out for persons that had long ceased to exist"

That was the evidence fairly given by a Liberal, and an active friend of a Liberal, and that was the remedy which he suggested. But he would give yet another instance.

> "At last Hilary Sessions at Kilmainham (county of Dublin), Thomas William Stephens demanded and obtained a new certificate, though on cross-examination he admitted, that his lease would expire on the 25th March following (that is yesterday), and the certificate he procured was valid to October next."

The claimant's certificate which he had previously held was valid till the month of October next, and yet he re-registered just one month before his lease would expire. He obtained a double certificate, and his vote would be good at any election that might take place for the next eight years. He sought to do away with this system. But then hon. Gentlemen opposite said, that the voters had to go through the ordeal of the affidavit at the poll. So they had, but he would now proceed to consider in what light that had been viewed, and that by a very learned Gentleman, the hon. civilian, the Member for Cashel, who talked of the extreme hardship of doing away with the qualification and the right which were given by the Reform Bill. He said,

> "What a hardship it is to strike off any man who by accident had no longer his franchise in the year 1840, but who still had an indefeasible right to go to the poll!"

Why, the hon. and learned Gentleman forgot the affidavits. He treated a man who had had a qualification, if he had forfeited it, as if he still had an indefeasible right to go to the poll—a right of which he said this bill would deprive the voter, but which, he appeared to have forgotten, must be supported by perjury, in such a case as he suggested. But, who stood up for the present system of certificates? Who would defend their unmitigated abuses? Who would say that the system was one which should not be altered in Ireland, but which should be introduced into England? But if they were not to have the certificates, what were they to have? If it was desirable to purge the registration of all those dead men, to whom he had referred—to do away with all those fictitious votes, which undoubtedly remained on it—how was it possible to obtain those objects? The hon. Member for Armagh said, that he did not so much object to reduce the number of the dead men on the registry, as to reduce the number of the votes of those who had lost their qualification; but how were they to ascertain who had lost their qualifications, unless they allowed a revision of the lists, for the purpose of bringing forward and substantiating their objections? In dealing with this question, he considered not only the evils which they had to meet, but the mode which, in his judgment, looking to what had passed, would be most effectual in obtaining the concurrence of both sides of the House, at least on the principle of the bill; and he had thought, that he could not be mistaken, when he founded his bill on those leading principles of an annual revision of the list of voters—an appeal to the judges, or any court of appeal which might be determined on, against as well as for the franchise, and a rejection of the jurisdiction of the House of Commons, making the registry final and conclusive; and he said, that he had thought that he was not mistaken, because those were the principles adopted in every bill, which obtained the concurrence of this House, and which had been proposed by the Government, which had been never contested, which had been uniformly assented to, and which in one case had gone so far as to have gone through all its readings in that House, and to have been sent up to the House of Lords. But the hon. and learned Member for Dublin said, "I was wrong in what I before did. I supported an annual revision; the double appeal; in 1835 and 1836, I supported those provisions, but I have changed my mind since, and if the Government dare to do now that which they proposed, and I assented to, and supported, and eulogised, and declared to be essential to the welfare of Ireland in the years 1835 and 1836—because I have changed my mind, up goes the cry of 'Repeal of the Union,' on the the ground that they have followed my advice and my opinion." Therefore it was that the noble Viscount had "new impressions;" and he too, thought that the principles were not quite so clear as they were—that there were great objections to the annual revision—that fundamental objections existed to the double appeal—that giving costs was monstrous, and that not only the details of the bill, but that which he asked the House to adopt—its principles—was objectionable, and that the principles were such as that the House of Commons could not for one moment assent to them. Did the noble Viscount deny those principles, that Mr. O'Loghlen brought in a bill in 1835, which provided for an annual registration; for the publication of lists of voters, and of claimants; for district sessions to be held; for claimants to attend and prove their cases, under all the restrictions which he now proposed to impose, which directed the collector to be called to prove any default, and which required the revising barrister to correct the registry, with an appeal to the judge of assize, but which otherwise left the existing law unaltered? These were the provisions of the bill introduced in 1835. [Viscount *Morpeth*: There were other provisions.] Oh, there were other provisions undoubtedly, which, however, were not in truth enactments, but which were called declarations of what the law was with regard to beneficial interests and cases of joint tenancy. Those provisions were not put forward as creating any alterations in the existing law; but, no doubt, as very valuable adjuncts in the view of the noble Viscount, and the professed object was to correct objectionable principles; but before the noble Viscount could avail himself of that argument, he must prove that the principles which he then supported were objectionable. In 1836 a similar bill was introduced; but, said the hon. and learned Gentleman, the Solicitor-general for Ireland, "You must not tell us what took place in 1835 and 1836. I, for example," said he, "know nothing of Mr. Sergeant Perrin, Mr. O'Loghlen, or Mr. Sergeant Woulfe. I am not to be bound by their opinions;" and it must, indeed, have been unpleasant for the noble Viscount to sit by to hear his present legal adviser attack his late legal advisers, knowing that at a later period of the debate it must be his fate to support the present Solicitor-general for condemning those who had preceded him in his office. But, said the hon. and learned Gentleman opposite,

> "The Soliciter-generals of 1835 and 1836 did not know what we do now. We had not then all the mischiefs produced by annual revisions before our eyes: we have from that time seen how very inconvenient those revisions have been—how great the expence which they have created, and we have in consequence altered our minds."

It did not appear, however, that those effects of the system had made any very great impression on the mind of Mr. Sergeant Woulfe, the Attorney-general for Ireland in 1838, who brought forward a measure in that year, which he had introduced in a speech, the terms of which he would read to the House, and he hoped that he should be forgiven for presenting an extract of so great length, which the necessity and the importance of the case alone induced him to read. He said, in speaking of the position of a voter under the existing law,

> "When the decision was in his favour there was no appeal from it, but when against him he might bring his claim before the judge of assize, who, under the Act, had power to reverse the barrister's decree. This arrangement, he considered, called for revision, and accordingly one of the objects of his bill was to give the power of appeal as well on one side as the other. There was then another part connected with the Irish registration system with which he proposed to interfere. As the law now stood in Ireland, a party once registered, notwithstanding that he might have parted with his freehold, changed his domicile, or done any other act whereby he parted from his qualification, continued on the register for a period of eight years, and on producing his original certificate of registry, and taking an oath that he had not parted with his qualification, might vote at an election. This, he thought, was highly inconvenient; and, therefore, he proposed by the present bill, that a party registered might be, at any subsequent registration, struck off the registry, on receiving proper notice of the fact, for any reason growing up subsequent to the original registry. He proposed that the Registration Court, instead of being held four times a-year, as those which were now in existence were held, should be held only once in the course of each year; for there was a certain degree of excitement consequent upon the sitting of the courts to decide upon matters of this description, which rendered the recurrence of such an event as seldom as possible highly important."*

He begged the attention of the hon. Member for Wicklow to this last paragraph; he said that the annual revision would convert the peaceable places in Ireland into a Pandemonium; but so far from that opinion being entertained by the former Attorney-general for Ireland, he actually sought to introduce a measure for the purpose of doing away with the perpetual excitement which had been apprehended from the constant recurrence of these meetings. He admitted freely, that in the bills brought forward by the Government on all occasions, they had provided for a revision only of such cases as had occurred subsequent to the last registration, but this did not interfere with the principle of his bill. The principle was, that the registration should be made for the next year, and whether they struck off the names of those who were dead, or who had lost their qualifications, or whether they extended it further, and struck off the names of all those who should never have been put on the registry, but who had been placed there upon erroneous decisions, were subjects which should not be discussed now, upon a motion for the second reading of the bill, but should be reserved for consideration in committee, and which should not be decided upon, with the general principles of the measure. He would admit, that he had been anxious, if it were possible, so to limit the revision as to effect the object which the noble Viscount had thought to attain in his former bills, but he had come to the conclusion, that if they were so to limit it, it would be impossible to prevent those cases of gross fraud, which had been practised, and instances which had already occurred would be without remedy. Mr. Sergeant Woulfe, in his last bill, was so convinced of the mischief of such a state of things, that he did not propose to continue the vote during life, but he provided that the vote should be obtained for eight years only, and that at the expiration of that time, the voter should come forward again to support his claim. He hoped that he was not trespassing too long upon the attention of the House, but the question was one of the greatest importance, and it was his duty to show on what grounds he sought to interfere, and that he had no intention or desire to trifle with the franchise, or to clog or impede its free exercise in any way. He supposed that it would be admitted, that revising barristers, like all others, were subject to err; and the case might arise that a person might be put on the registry, who possessed no good right or claim to vote. What was now done with him in case it was found that an actual fraud had been committed, that he was a fictitious voter, and that he never had any qualification? They barred everything except new matter. Why the man might laugh in their faces. He said—

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* Hansard, Vol. xli Third Series, p. 876.

> "To be sure, I have no qualification; I never had; I will prove that I had none when I was put on the register; but my name is on the list of voters, and I defy you to strike it off. No committee of the House of Commons shall remove me."

By this bill he proposed to do away with this; and he also desired to do away with the appeal to the committee of the House of Commons. Was there any man who desired continuance of that appeal [Lord *John Russell, hear?*] Did the noble Lord opposite desire it? Then he desired the House of Commons to open the register and investigate it, but for the noble Lord to cheer him when he asked whether any man desired that the committee of the House of Commons should inquire into the register, was to tell him that he would give with one hand and take away with the other—and it was in point of fact to support what was the very mockery of an appeal. The bill which he had introduced had been objected to, on the ground that it would subject voters to annual revision, and the inconveniences attending it,—that it gave an appeal both ways, that was against, as well as in favour of the franchise. Had not the same provision been introduced into every bill promoted by the Government, and brought forward under the immediate auspices of his noble Friend opposite? He had already referred to the effect of those bills—a reference which sufficiently answered the arguments which had been produced on the other side of the House. But much as he might have expected support from his noble Friend and the Government on this occasion, more especially as the bill which he had brought forward was founded entirely on the principles advocated by them, there were some others from whom he had supposed that he should have received support, but from whom he had received an intimation that it was their intention to oppose him. The hon. Member for Limerick (W. S. O'Brien) said that he should oppose his bill upon its principles. "That hon. Member, continued the noble Lord, brought in a bill in 1838 for the purpose of correcting the registry in Ireland. He then agreed with me not only on what should be adopted, but on what should be rejected, and he found it expedient to omit altogether any clause with regard to the polling, and all declaratory enactments as to beneficial interest, or the right of voting, and to go simply and solely to the law with respect to registration. Now, to go step by step through the hon. Member's bill—he proposed an annual revision, and so do I; he proposed that an assistant-barrister should be the person to register, so do I; he proposed that notice of all claims should be published in the districts to which the parties belong, and so do I; he proposed that notice of all objections should also be published, so do I; he proposed that no new claim should be admitted without notice being given, so do I; he proposed that the person registered should have a *prima facie* case in his favour, so do I; he proposed that all new claimants should attend to prove their title, so do I; he proposed to appeal both ways against the decision of the barrister, so do I; he proposed that the appellant should be liable to costs, so do I; he proposed that a committee of the House of Commons should not inquire into his right to be put on the register, so do I; but that it should into all matters subsequently arising, so do I;—and these were the provisions of the bill of the honourable Member. I conceive, therefore, that we agreed not only on the abuses to be remedied, but on the principles on which we should act, and on every little detail, with one single difference as to the constitution of the appeal court. The hon. Gentleman, however, tells me that he is prepared to oppose my bill on principle on its second reading. I believe that the names of the hon. Member for Waterford and of the hon. Member for Mallow were on the back of the bill introduced by the hon. Member; and I conceive that I may confidently rely on the support of those Gentlemen, notwithstanding the opposition which I receive from the hon. Gentleman to whom I have alluded; for the measure is absolutely in point of fact their own." The noble Lord went on to say, that the hon. Member did not object to the annual revision, to the payment of costs, to doing away with the committee of the House of Commons. These were the leading principles of the bill, but he said that there were other provisions. Now he would see what they were. First, he said that the appeal was a most unpopular one provision, and he said that the bill introduced in 1835 was not well received in Ireland, in consequence of the introduction of that appeal. When he said so, however, he professed to know a great deal more than appeared on the face of things. The bill was rejected in the House of Lords, not on the ground of the appeal, but, as the noble Viscount well knew, because he had thought fit to tack to it other provisions wholly unconnected with its real object, relating to an alteration of the franchise, to which the House of Lords would not consent. But the hon. Gentleman said, that the bill was rejected on account of the appeal, but did he know that the Solicitor-general for Ireland went over to that country, and at a public meeting spoke in a strain of violent abuse of the House of Lords for having rejected it? "But," said the hon. Gentleman, "there are some other provisions—there are the rate-paying clauses." Let the House look at them. Similar provisions had been introduced in the bills of 1835 and 1836, and he never heard until now the hon. Gentleman or any one else offer one word against them. Then an objection was made to the form of the declaration of claim required to be made by the schedule. That declaration need not be made by persons already on the register, and there was nothing required to be stated in it which was not already necessary under the existing law, save that four columns were divided into seven, for the purpose of giving in seven what was now given in four; and that it was made necessary for the claimant, if he held a lease for a life or lives, to state the names of the persons during whose life it was to continue; or if he held a lease for years, to state how many years it had yet to run. In the event of the weight of proof resting upon the party objecting to the qualification, how was he to obtain information of the number of lives in the lease? How were the objectors to prove a negative where the tenant himself did not know the number of lives in his lease? If he entertained any doubt of the difficulty to which the objector was exposed, and of the evils which the existing system engendered, it would be removed by the case which had been stated on the other side—of persons who had come up to swear to their right to the franchise in virtue of leases on the lives of persons well known to have been dead for some considerable period. He would refer also to the case mentioned by the hon. Member for Armagh of a person who, on the occasion of the death of the late king, came up to claim the franchise in virtue of a lease determinable with the life of his late Majesty. It was assumed that this individual did not know the fact at the time that he so attempted to perpetuate his right to vote, and it was just possible that persons might be found in Ireland who, at the time when they came up, on the occasion of the death of King William 4th, were not aware of the death of the Duke of Clarence even although the election which rendered their exercise of their franchise necessary was in consequence of the death of the king; but this was clear, that if the plan which he suggested were adopted, such cases could not occur as had been referred to by the hon. Member on the other side. These were the only differences between his bill and that of the hon. Member for Limerick. [Mr. *O'Brien* There are many others.] Perhaps the hon. Member would take an opportunity of stating what those other differences were. Yet, notwithstanding the agreement between them on the subject, the hon. Gentleman was going to vote against him on the second reading of this bill. There were many other minor points of detail which were better fitted for discussion in committee, but which had been brought forward in support of the objections to the second reading. For instance, the hon. and learned Solicitor-general for Ireland, discovered from certain expressions in one of the clauses of the bill, that there was a deep-laid design in it to compromise the "beneficial interest" as far as related to the right of voting. This he inferred from the use of the word "acts" instead of the word "act," in one of the columns. Now this was a monster entirely of the hon. Gentleman's own creation, and he (Lord Stanley) could assure him, that if he would allow him to go into committee, he would let the hon. and learned Gentleman take that monster, and knock him down in any manner that was most convenient to himself. But he would tell the hon. and learned Gentleman why the word "acts" had been used instead of "act." The 22d clause of the Reform Act introduced a certain franchise, and having conferred that franchise it proceeded to reserve to the people of Ireland all rights and franchise conferred by any previous acts that were not interfered with by that act. This being the provision of the Reform Act, in drawing up this present bill it was thought to be the more safe plan that the assistant-barrister should inquire into the nature of the franchise held under the "acts" so referred to in the Reform Act. Such, and such only, was the motive for introducing into this bill the expression under which the hon. and learned Gentleman had discovered concealed so deep-laid a scheme against the right of voters in Ireland. Another of those matters of detail which he would have preferred to have argued in committee, was referred to by an hon. Member last night, who complained of the great hardship to which the claimant was put, because, according to the terms of the clause, he had not the power of summoning witnesses in support of his claim. But on looking at the act, how did the case turn out? Why, that any person in the register might apply to the clerk of the peace to summon any other person, on whatever side he might be. The case might be supposed, however, on the other side, of a claimant, who was so utterly cut off from the rest of his fellow-creatures, that he had not even a friend or an acquaintance on the register—one who would proceed in making his claim for himself alone and wholly unsupported—and who, therefore, would not, according to the terms of the clause, have the power to issue a summons to compel the appearance of any person whose evidence might be necessary to the support of his claim. He was perfectly ready to provide for the exigencies of such a case, supposing that it could exist, and if the hon. and learned Gentleman would let him go into committee, he would agree to an amendment, giving the power of summoning witnesses, not only to persons on the registry, but to persons claiming to be put upon it. To such an amendment he would give his most cordial assent. It was also alleged against this bill that it did not give additional registering places, but on the contrary rather narrowed the means of registering which at present existed. The object of introducing that provision was, that the magistrates alone should not have the power of appointing additional registering places. It was proposed to adopt the English system of apportioning the registering districts, as much as possible, to the different polling places, and that the registering barristers should fix the registering places, and assign the districts, for the purpose of bringing those registering places as near as possible to the greatest number of persons who would be required to be placed on the register. The bill provided that the Lord-lieutenant, on the application of the magistracy, should have the power of appointing additional registering places, as the Crown in England had the power of appointing them, on the recommendation of the magistracy. One other point he must refer to—the objection which had been raised to the appeal to the judges, on the ground that it took away the appeal to the jury. The noble Lord, the Secretary for Ireland, touched on this point, and urged, that not only did this bill give the appeal to the judge, but it deprived the claimant of the existing advantage of having his claim tried by a jury. If it was so he was not without a precedent for the adoption of this principle. This very question was argued upon the point of "beneficial interest," and after that question had been discussed, a noble Friend of his, now no more, and whose early loss that House and the country did most deeply deplore—he alluded to the late Lord Clements, then Member for Leitrim—moved an amendment, the effect of which would have been to take away the right of appeal from the jury, and transfer it to the judge. The words of the noble Lord were these:—

> "I think, that in cases of appeal, great injury is done by the contradictory opinions of juries, who generally had some direct or indirect interest one way or other in the question on which they had to decide. It is, therefore, desirable to remove all appearance of partiality, and the only mode of preventing it is, by taking the right of appeal out of the hands of the jury. In order to obtain uniformity of practice, I propose to leave all to the judge."

The noble Lord opposite, the Secretary for Ireland, then rose, and said,

> "I think it is desirable that the decisions should be on as uniform a scale as possible, and I have, therefore, no objection to the adoption of the measure recommended by the noble Lord."

The consequence was, that Lord Clements's amendment was afterwards agreed to without a division, and yet the noble Lord, the Secretary for Ireland, was now the person to come down to that House and charge him (Lord Stanley) with an attempt at a gross violation of the rights of the people of Ireland, by transferring the right of appeal from the jury to the judge. No doubt the noble Lord did not lay very great stress upon his charge, and no wonder. But if the noble Lord did not mean to make against him the accusation to which he had referred, it was somewhat surprising, that the noble Lord did not add that the transfer of the appeal was an alteration to which he agreed in common with some others, although he had never swerved from his declared opinions on the subject of the registration system in Ireland. One other point there was on which he felt it utterly impossible for him to be silent—he alluded to what had fallen from hon. Members opposite on the subject of incorporating, in a measure for the regulation of registration, same alteration in the franchise. He would here warn the House and the Government against the adoption of one of the most dangerous principles ever introduced into legislation—that they were justified in refusing to adopt some specific measure, which all parties agreed to be likely to be productive of positive benefit and advantage, unless there was tacked to it some other measure or provision of a totally different nature, and on which great differences of opinion might exist among all parties. He warned the Government against another appropriation clause. Let hon. and right hon. Gentlemen opposite recollect for how many years they had declared that they were prepared to peril place, reputation and character, in not admitting any settlement of the tithe question in Ireland, without the introduction of a provision for the appropriation of the surplus property of the Church in Ireland. Let them recollect the years of turmoil, anxiety, confusion, possibly of bloodshed, which ensued in Ireland in consequence of their determination not to admit a positive benefit without the admission, at the same time, of a principle doubtful in the extreme, and on which there was the utmost possible difference of opinion. Let them go farther, and look at what had been the result of their determination, and at the step which they had at last been compelled to take in spite of it. The hon. Member for Roscommon it was who first laid down the doctrine which he here so much condemned, and which he regretted to find had been confirmed by the noble Lord the Secretary for Ireland. The hon. Member said, he would not admit an alteration which might work an alteration in the franchise, unless they consented to settle those disputed points. He had, however, studiously omitted those disputed points. The noble Lord well knew that he gave notice of a motion for a committee of that House, composed of the leading men of all parties, to examine those doubtful points in the law of elections, as to how many could by consent be got rid of, and as to how many declatory acts should be introduced, so as to set all doubt at rest. The noble Lord also knew well that he would have proceeded with that committee, had not he received an intimation that Ministers would not consent to such a committee, because they considered it absolutely hopeless to settle those doubtful points in the present state of parties. The noble Lord seemed to be still of the same opinion; he did not deny the abuses of the present system, but he insisted on tacking on to a bill, the object of which was to remedy those abuses, a declaratory enactment on those very doubtful points, as to which he confessed he considered it impossible that the consent of the two great parties could be obtained. Yet the noble Lord and the Government declared themselves sincerely desirous of remedying existing abuses, at the same time that they refused their assent to a practical measure for their reform, because it did not contain an enactment to which the House could not agree. He must again revert to the subject of the beneficial interest. He regretted to have to do so, but he was compelled by the reference which the noble Lord, in proof of what were the intentions of the framers of the Reform Act, had made to a speech delivered by him in 1829, in which he rejected the doctrine that what a solvent tenant could afford to give, should be the basis of the franchise. "I am not," continued the noble Lord, "in the habit of looking back to my former speeches—I repeat I am not in the habit of referring to my former speeches. The noble Lord says I can look back to the speeches of others. I say I have a right to look back to the speeches of noble Lords and right hon. Gentlemen opposite, in order to see what were the principles on which they introduced a measure similar in its objects to that which they now oppose. I am not aware why a charge is made against me on account of my having altered some of my opinions. I am quite ready to admit that on former occasions I was wrong, and I do not hesitate to avow that my opinions on some subjects have undergone a change. But I hope—nay I am quite sure—that no one will for a moment suppose that that change of opinions has proceeded from any other than an honest conviction. Oh, I see what it is you are thinking of. You allude to the observations I made on the "later impressions" of hon. Gentlemen opposite. Our opinions may undergo change, but we must take care that these "later impressions are not adopted under the influence of any pressure or any violence from without." As far as he (Lord Stanley) could collect from the noble Lord's version of the speech delivered by him on the 26th March, 1829, he objected to introducing as a test of the franchise what a solvent tenant could afford to give. For he had been told that nothing was more common in Ireland than for parties, under colour of that provision, to bring a party before the assistant barristers who would swear that he was ready to give the tenant 10*l.* per annum more for the property. Such a system led to constant and universal fraud and perjury. He was of opinion that it would be much better for the barrister to judge, not on the oath of any individual, but on an examination of the real value of the property, as to whether the claimant was in possession of the value required to constitute his beneficial interest. To come, however, to what occurred in 1832, he observed that, in the discussion on the Reform Bill, it was universally admitted that there was no intention to alter the existing franchise as related to freeholders, and the Duke of Richmond stated distinctly in the House of Lords, that the Government had not the slightest intention of altering the qualification as at present existing, but merely of adopting the best mode of ascertaining it. Lord Melbourne made a similar declaration. But it was considered that a leaseholder for a term of years had as good right to exercise the elective franchise as a freeholder, and the hon. Member for Tipperary expressed himself strongly to that effect at the time. If a landholder could let his land at a clear yearly advance of 10*l.* upon his own rent, he thereby became possessed of a clear beneficial interest, and was as much entitled to vote as a freeholder. The subject was not left in doubt when the Irish Reform Bill was introduced in 1832. He, as the organ of the Government on that occasion, declared that the intention of the Government was that the beneficial interest of the tenant should be the test of the right to vote, as the apparent rent was not always a just criterion of the right of the tenant to the exercise of the franchise. What was then contemplated as entitling the voter to his franchise was, that the tenant should have a clear beneficial interest to the extent of not less than 10*l.* a-year. It was intended to put the English and Irish bills on the same footing, and it was proposed originally, that the beneficial interest, which had been so much alluded to, should have exactly the same interpretation in each. The hon. and learned Member for Dublin then stated, that he received without alarm the proposition which reduced the qualification to 10*l.* The hon. Member for Wicklow said, that he approved of giving the franchise to lessees for terms of years, instead of for lives, for by this means, the tenant would have a beneficial interest in promoting improvement, and that it was desirable, that those who thus improved the holdings in their occupation should have the franchise. Then how came the words "beneficial interest" introduced into the Irish Reform Bill. These words were identical with those in the English Reform Bill. The words were inserted in the Irish Reform Bill "of the clear yearly value of 10*l*;" they were struck out of the English bill in the House of Lords, and they were struck out of the Irish bill by the Government. When the English bill was brought down, it was stated that the words had been struck out, not because it was supposed, that they would give a latitude for fictitious votes, under the pretence of their being profitable holders to the value of 10*l.*, whereas they might not be holders to the value of one single halfpenny. On that occasion the right hon. Member for Ripon (Sir E. Sugden), objected to the omission of the words, and the hon. and learned Member for Dublin then declared, that he was satisfied that if they were continued, they would open the door to fictitious votes, and to the grossest frauds. The matter led to some debate, and the words were altered in the way in which he had just described. The hon. Member for Tipperary, he was sure, would say that he had not cramped the franchise, as he was a constituent of the right hon. Gentleman, although he certainly had never voted for or against him. [An hon. *Member:* But you canvassed] He begged pardon; he had never voted, and had never interfered with his tenantry as to those votes; indeed, he did not know whether they ever registered or voted or not. For his own part, his tenantry might do as they pleased with respect to going up to be registered; for they might depend upon it, in respect to himself, that they would never meet with those formidable frowns of their landlord which had been so much dwelt on. They had been told that when they looked to the constituency of Ireland, it was much more restricted there than it was in England, and that the numbers of the constituency in the latter country, were of much greater proportion than in the former. He would not go the length of the hon. Member for Drogheda, that there was an universal and organised conspiracy of the landlords of Ireland to prevent the registration of voters; but there were circumstances of a domestic and local nature in connection with that country, that a number of persons entitled to be registered might not be placed on the registry, and that their landlords might not be disposed to aid them in having their names inserted on it. The hon. Member for Dublin had talked of the independency and the extent of the constituencies of English counties, and had contrasted the small number of voters for the county of Cork, as compared with those for Yorkshire, and of Tipperary, with Rutlandshire. He stated, that the constituency of Rutland was incapable of being influenced by their landlords, and that they had never attempted to interfere with them in the exercise of the elective franchise. This influence had never been known in Rutland, but it obtained to the greatest extent in the counties of Cork and Tipperary. In the latter unfortunate land, the landlords prevented the tenantry registering unless they went with them to the full extent, and this was the cause that there was such a deficiency in the number of the constituency in Ireland. He believed, that human nature was the same in England as in Ireland, but it happened, that property could not command exactly the same influence in the latter, as in the former. There was this difference in the state of things in the two countries—the landlord in England had a tolerable certainty, that without resorting to extremities, which he, for one, would never vindicate—which he should be the first to condemn—the great majority of his tenants would place so much confidence in him as to be guided by his judgment, and influenced by his opinions. That feeling might no doubt be carried to an extreme; witness the recent example of Rutlandshire. A very singular change had lately taken place in the views of the constituency of that county, and they had been allowed a very prompt opportunity of evincing it. In Ireland, on the other hand, a a landlord had no such confidence that his tenantry would pay deference to his opinions, because he knew there was an organized influence, constant, active, and industrious, setting tenant against landlord, and ever on the watch to prevent that kindly feeling which existed between the parties of that relation in England. What was the natural result? The landlords of Ireland were desirous that the influence of their property should not be used against themselves; and so strong was their conviction, that if they did not interfere it would be so used, that it was not surprising that many of them should give leases under such conditions as would not entitle to the elective franchise, rather than under those terms which would confer that right. There was no wonder that the unfortunate tenant should hold back, harassed between the fear of offending his landlord on one side, and the dread of excommunication on the other. He would not for a moment lay himself open to misconstruction: by that term he meant being driven from the pale of society—he meant being denounced in the chapels—meant being held up to opprobrium in the market-place—he meant being threatened by midnight legislators, and denounced by political agitators. He said it was no wonder if, exposed to such a penalty, and harassed by conflicting forces, the unfortunate tenant did not come to be registered, and gladly accepted from the landlord a lease for a term of years, which, by not entitling him to the franchise, would at least protect him from persecution. He said that the necessary re-action arising from the unnatural excitement kept up by agitation against the landlords for political purposes, would fully account for the disproportion between the number of voters registered in Ireland, and the number registered for the same amount of population in England. The bill by which he proposed to remedy the acknowledged abuses and defects which existed, was now in the hands of the House, to deal with as they thought proper. He had no personal motives in bringing it forward, other than a sincere desire to do his duty as a Member of Parliament, and to act his part in removing abuses which were admitted. He hoped that this would not be treated as a party question, and he hoped that hon. Gentlemen would not say that it was so. Having, however, done his duty in bringing the measure forward, he would not say without great anxiety as to its result upon the welfore and prosperity of Ireland, he left the matter in the hands of the House, confident that no ground had been made out for the rejection of this bill upon the second reading.

Mr. *O'Connell* remarked, that the noble Lord had concluded by saying that this was not a party question. He supposed that it was mere accident that brought together such a crowded assembly. There was no intention of treating the question as a party question; it was accident, of course. Passing from that, he was really astonished at the length of time during which the noble Lord kept up his tone of moderation, and kept down the disposition supposed to be natural to him. But at length the noble Lord came to excommunication. There was nothing of party in that; there was no bigotry in that; no, nor in the sneer about the chapel. Never was there a calumny so unfounded. He defied the noble Lord to prove it. There was one assertor of it, and one only—he meant in the evidence given before the Fictitious Votes Committee, or the Intimidation Committee, he did not know which; but as a practice which could be traced as prevalent in Ireland, that he utterly and contemptuously denied (*Cheers.*) He was not to be put down by mock cheers. Having disposed of this preliminary matter, he would proceed, if the House would condescend to listen to him; if not, he would take some other opportunity. He would now proceed. It was scarcely worth while to notice some arguments employed by the noble Lord, founded upon matter personal to himself. Those arguments first came from the right hon. Gentleman the Recorder of Dublin, who read a speech of his from one of the Dublin newspapers, in which he was made to say, that he defied the Government to pass the measure of the noble Lord. Now, he had never said so, nor did he see the report in which this language was attributed to him, until he was on his way over from Ireland, and the first thing which he did when he arrived was, to go to the noble Lord, and assure him that he said no such thing, referring him at the same time to the newspaper which contained an accurate report of what he did say. That paper was the *Freeman's Journal*, and in that paper it was stated, that he did set at defiance, not the Government, but the enemies of Ireland, and the most malignant amongst them. Should he name some of them? As he was on the subject of chronology, he would refer to some supposed contradiction between the report to which the noble Lord had alluded, and the petition. It so happened that the report was prepared first. That report cost him sixteen hour's work, and it contained at great length the detailed objections against the bill. The noble Lord had had that report before him for several days, and he had not shown him to be wrong in any one single particular. This bill, although he did not say that such an object was intended, was with a vicious ingenuity, calculated to annihilate the franchise of Ireland. The situation of Ireland was extraordinary—he might say pitiful. What had happened in the other House of Parliament? Subjects of the greatest importance, and most nearly affecting the interests of Ireland, were staved off, because, unhappily, one noble and learned Lord was ill, and another fantastic and learned Lord was elsewhere. Ireland was waiting for the convalescence of a noble and learned Lord who had called Irishmen aliens in blood, in religion and language. Such an insult was never offered to any country. Ireland was also obliged to wait for another noble and learned Lord who had a great deal of wit and talent, but no wisdom; while at the same time the mighty leader of hon. Gentlemen opposite said, that he never wished for a postponement of any question without a sufficient reason. The noble Lord had been reading, he did not know from what documents, a manuscript history of the Reform Bill, as it was brought into the House of Commons. He did not know who the writer was, but he was certainly no accurate historian, for he placed him in the position of one who was anxious to raise and limit the franchise, whereas, all his efforts were directed towards the object of obtaining a franchise at least as low as that of England, and when he found he could not get that, he divided the House upon the question of a 5*l.* instead of a 10*l.* franchise. And yet the noble Lord gave the House a manuscript history of the transaction, in a style which he could only describe as chit-chatting, and represented him as desirous of narrowing the franchise. The noble Lord ought to look back to that period with great regret. If he had possessed as statesmanlike a mind as he had talent for debate, he would have seen that he ought not to have thrown away that great occasion. It was a great occasion. The Reform Bill presented an opportunity of placing Ireland in the position which she ought to occupy. But the noble Lord while he gave to England great advantages, inflicted on Ireland mighty wounds. He met the noble Lord from day to day, and he had found the noble Lord in the Cabinet the perpetual enemy of his country. To him was to be attributed the restricted franchise which was imposed upon Ireland. This made the people of Ireland shudder at any measure which the noble Lord introduced. In England the Reform Bill took away both the rotten and the nomination boroughs. It destroyed the rotten boroughs in Scotland, and it gave to Scotland eight additional members. Even to Wales, with a population of 800,000 inhabitants, the Government gave four additional Members, but to Ireland with a population of 8,000,000 they gave but five, indeed only four, for one Member was given to the University of Dublin, and that might well be said to be a vote against Ireland. The right hon. Gentleman the Recorder of Dublin had said that the repeal of the union was a cry fit only for old women and boys; it was well that the right hon. Gentleman did not enter into either category. But did he not think that the public mind would be dissatisfied when a contrast was drawn between the relative positions of England and Ireland as affected by the Reform Bill He well knew how difficult it was to restrain that feeling. The Reform Bill annihilated no franchise that it found in England. The owner of a 40*s*. fee, and the owner of a 40*s*. life estate, were left untouched by the bill. Every franchise that the Reform Bill found it left, and it augmented the number. But in Ireland it destroyed several franchises. In several Irish boroughs there were voters entitled by the ownership of a 40*s*. fee and a 40*s*. life estate, and there was a 5*l*. franchise in Dungarvan and Lismore. These franchises were all annihilated. He knew that the noble Lord was not aware of what he had done. In Dublin there were 1,300 40*s*. freeholders; there were now only 14. And yet the noble Lord boasted that he had extended the franchise in Ireland. But then it was said that the county voters were augmented. Why, the leasehold voters only amounted to 8,000. But the noble Lord said that he gave Ireland the same 10*l*. franchise as England—a franchise of a 10*l*. value. He would, however, ask whether a franchise of a 10*l*. value was the same franchise in London and Ennis, in Manchester and Tralee, in Bristol and Portarlington? There was the name indeed, but not the reality; and yet this the noble Lord called placing Ireland on an equality with England in regard to the franchise. The noble Lord had repented even of that, and had brought in a bill, the object of which was, to deprive Ireland of the leasehold franchise conferred by the Reform Bill. The noble Lord came for that purpose to the House at a moment when, as it seemed, it would be more agreeable to the noble Lord, and it ought to be, to be elsewhere (interruption). "It was not I," continued the hon. and learned Member, "who invited the noble Lord here (interruption). I know the cause of these brutal exclamations ("Adjourn," and "Chair.") Nothing will keep those who are inimical to Ireland from the indulgence of their hostility towards that country. It is not my fault. I have heard of other instances, which may, perhaps, be found among those who are accidentally present to-night. I will now come back to the point on which I was enlarging." The hon. and learned Gentleman proceeded to say, that the noble Lord had, in that honest explanation of his, which he had given that night, admitted that it was his intention to assist the landlords of Ireland in their endeavours to prevent their tenants from voting. There was not the slightest doubt that the bill would very considerably limit the franchise. Members on his side of the House computed that it would annhilate two-thirds of the constituency of Ireland. It was also agreed by hon. Members opposite, that the effect of the bill would be to limit the constituency. There was, then, no question between the two sides of the House as to its actual operation. Let it, then, be avowed, without any paltry hypocrisy, that the object of the bill was to annihilate the franchise. He would deal with the measure as if that were the avowed object. Hon. Members opposite complained of fictitious votes. Was the constituency so extensive that they had a right to complain that persons were on the registry who ought not to be there? Were the people so extensively represented that it was of no importance how many votes were struck off the register? Why did not hon. Members come forward and say, "Here are so many registered voters for the country, that it is impossible, looking at the population, that they can all be fairly entitled to vote." He would show the disproportion between the representation of England and Ireland. In Westmoreland, after the Reform Act, the population was 35,046, and the number of voters 4,392; while Cork, which had a population of 700,366, had but 3,835 electors. Yet, with that fact staring hon. Gentlemen opposite in the face, they came forward with this bill to destroy fictitious votes. The right hon. Baronet, the Member for Pembroke, had said, that base falsehoods were resorted to for the purpose of getting on the Irish register. Whoever supplied him with that information, asserted the basest of falsehoods. But he would go on with his comparison. Bedfordshire, with a population 88,524, had 3,966 voters; while the Protestant county of Antrim, with 316,909 inhabitants, had only 3,484. What had the Protestant county of Antrim done that it should not have an equal number of voters with Bedfordshire? The noble Lord was extremely anxious to carry this bill, and to remedy the abuses which had crept into the registration. Now, he would ask, was there any abuse equal to an abuse of principle? But the noble Lord not only suffered this enormous disproportion between the two countries to exist, but he came to the House with a proposition for still further limiting the constituency of Ireland. But he would proceed. There was Rutland, with 19,000 inhabitants, and 1,296 voters; Longford had a population amounting to 112,391, while the number of electors was but 1,294. He knew he should fatigue the House by going on with these illustrations, but they were powerful for his object, and would operate powerfully on the honest hearts and common sense of the people of England, or, at least, they ought to do so. The noble Lord was not acting of himself, but was propelled by others. He supposed the hon. Member for Belfast had furnished the noble Lord with law as he had done with evidence. The hon. Member came to the noble Lord, and his name was put on the back of this bill; or, in the phrase which the noble Lord had applied in connexion with Ireland, the bill was branded with the names of the noble Lord and the hon. Member for Belfast, who had come reeking from his Orange lodges, his Orange toasts with nine times nine, the Kentish fire, and "no surrender." Now, to return to the comparison between the number of voters in England and those in Ireland. In the Isle of Wight, with 228,731 inhabitants, there were 1,167 voters. In the county of Mayo, with 366,328 inhabitants, there were only 1,350; and in the county of Tyrone, with 310,000 inhabitants, only 1,151. So that Protestant Tyrone and Catholic Galway were mixed up in equal disfranchisement, not having so many voters as the Isle of Wight. Was he an Irishman, and to say nothing on that point? Was he not bound to respect their sorrows, while more mischief was threatened to them? He would now take the two largest counties: Yorkshire, an agricultural county, with a population of 913,713, had 33,154 voters; whilst Cork, with 703,000 inhabitants, had only 3,385. Now, ought that proportion to remain? Ought they not to struggle to give to the people of Ireland an equal proportion of voters to the population, as there was in this country? He should be very short in his comparison of the cities of the two countries; but even there the same proportion existed. He had forgotten to give the noble Lord credit for having annihilated, in the cities of Ireland, the votes of joint tenants. Mark how important that was; for in Ireland no gentleman could have a vote for the premises which he held with his partners, although they might be worth 300*l.* a-year. He was told that Exeter-hall had furnished no less than eighty-five votes in the first year of the registration; while, in Ireland, if premises were of the same value, not a single vote could have been registered if they had been held by partners; and yet that was one of the things for which the noble Lord taunted the law officers on his (Mr. O'Connell's) side of the House, because, in the bill they had brought in, there was a clause to redress such a monstrous hardship. Ought they not, then, to put the franchise on a better footing before they talked of registration? Now, in Exeter, there were 27,000 inhabitants, and 3,420 voters; but in Waterford, there were 28,000 inhabitants, but only 1,278 voters. In Worcester there were 27,213 inhabitants, and 2,608 voters; in Limerick 66,554 inhabitants, and only 2,850 voters. In Cork there were 110,000 inhabitants, and 3,650 voters; while, in Newcastle-on-Tyne, with only 42,000 inhabitants, there were 4,952. He had shown, then, in the towns as well as in the counties, that there was a miserable defalcation of voters in Ireland. And now, having read those Parliamentary documents, he would turn round on hon. Members opposite, and ask why they had spoken of that small and paltry number as fictitious voters? What scope was there for it? If, however, they succeeded in this bill, then would Ireland be still more restricted in the number of her voters. Having made these preliminary observations, he would now state his objections to the bill. He objected to it in principle, independent of its details. His first objection to it was that which the noble Lord had called one of its merits.

It was because it was purely and singly a registration bill. He said, that, in the nature of things there ought first to be an explanation of the doubts as to the franchise, before they entered into the question of registration. The great difficulty was the franchise. Nine-tenths of the struggles in the registration courts would never have arisen if the franchise had been properly defined. They ought, while they defined it, to extend it; but to talk of registration with an undefined franchise was an absurdity. The great question at present was between the solvent and beneficial interest tenant. He knew there were some who contended that they meant the same thing; but they who were in Ireland knew that the battles in the registration courts chiefly turned on the question between the profit-rent made by the solvent tenant, and that of the beneficial interest. Some judges decided one way; some another. Some assistant-barristers held the one opinion, some the other. Now, suppose some assistant-barrister took the profit-rent mode of the solvent tenant, and allowed a vote, and that the judge was of the same opinion, and the oath was registered; while in another town the barrister took the beneficial interest mode, and the judge decided in the same way. Thus would there be two decisions directly opposite. Ought there to be that difference? The hon. and learned Gentleman, the Member for Exeter, had given his opinion on this point. A more able lawyer there was not in this House or out of it. A more agreeable, he would say fascinating, speaker he had never heard. But he regretted to find him always in the van when an attack was to be made on Ireland. He would not say that the hon. and learned Member did not adhere to his principles; but he might be permitted to deplore the way in which they were exercised. When the Spottiswoodes, with their gang of conspirators, threatened to turn out every liberal Member from the House, who was their great and successful advocate? Who was it who found out particular cases in which similar practices had been pursued on particular occasions, and had drawn this inference from them, that it might be done on a great national scale? Who but the hon. and learned Member for Exeter? It was very fit, then, he should be one of the supporters of the noble Lord. He was very much surprised, however, at something that had fallen from him. The hon. and learned Member said he had heard of a judgment given by the judges in Ireland on the question of test, and said that that ought to be final. How could so able a lawyer have made that mistake? Where did he find one single clause in one single act authorizing the judges to meet at all on the subject, or that gave any appeal to them? No; if they had, then they must have heard counsel on both sides, pronounced their judgment, and given their reasons at large, and the public would have heard what that judgment was. He would not pretend to dispute with the hon. and learned Member for Exeter upon a point of law; but this was a plain and palpable matter of fact. No judgment was given by the judges; there was, indeed, a sort of consultation among them from which the clients themselves were excluded, and from which counsel were excluded. He need not point out to the hon. and learned Member the value of able counsel in assisting judges to form their decision. This could not be called a judgment, it was a mere private consultation, and nothing else, and had been considered in that light by the judges themselves. The right hon. and learned Member for the University of Dublin might assert that there could be no such things as political judges, that it was impossible for judges to be political partisans; but he (Mr. O'Connell) was of a different opinion, and thought that he who was a violent politician at the bar, would be a politician, more cool, more cautious perhaps, but on that account more mischievous, upon the bench. There stood he who had refused a high judicial office solely because he would not trust himself to take a course by which there was a possibility of the administration of justice being polluted with political feelings. What were the opinions of the judges themselves as to the weight to be attached to this decision of theirs, as it was called? Why, on one point it was generally said, and generally believed, two of the judges dissented from the other ten. Did those two acquiesce in the decision of the majority? On the contrary, one of them said afterwards he did not consider himself bound by such advice, for judgment it was not. On another point five judges were supposed to have dissented from the rest, and on this point the Chief Justice of the Court of King's Bench in the case of George Pratt, Queen's county, had given judgment in a manner inconsistent with the conclusion to which the judges had come at the private meeting to which he had alluded. So far was the question from being settled, and settled by judicial decision it could not be, that it was not at that moment settled at all. And yet the noble Lord opposite wanted to introduce a registration bill, which would leave that important question still open. The noble Lord had struggled to get out of his own declaration in 1829. "How should I," said the noble Lord, "recollect what I said in 1829?" But it appeared from what the noble Lord said in 1832, that he then had some scanty recollection of what he had said in 1829; for then it was, that the noble Lord himself invented the beneficial interest test, and having struck out the true principle, proclaimed it manfully. The question afterwards came to be considered in the House of Lords in the discussions upon the Reform Bill, and there the principle met with the disapprobation of the Earl of Roden, a man who had never changed his opinion, on which account those who thought with him gave him their confidence, and those who differed from him, respected him for his manly bearing. The noble Earl then said, that the introduction of such a principle into the Irish Reform Bill, was effected by his (Mr. O'Connell's) manœuvres. The noble Earl did him too much honour, although he had certainly done his best to help the noble Lord opposite in the coursewhich he took. And yet the noble Lord now attempted to fritter away the effect of what he had done on that occasion, by bringing down some manuscript papers, for the purpose of showing that his (Mr. O'Connell's) opinions had been in favour of enhancing the franchise, when it was well known that he was anxious to lower it as much as possible. Was this question then still to remain undetermined? Every other bill contained a clause respecting the right of voting in the case of joint-tenancies, and tenancies in common, and another clause defining the beneficial interest to be the tenant's profit, and not the landlord's rent. But the noble Lord took a different course; he was content to leave litigation where he found it. This arose from his anxiety to exclude from the franchise as many as possible. That was a bad principle, and would not long be supported. Chartism had frightened many into the support of such a principle. But the Irish people had refused to join the Chartists. Chartism he trusted had passed away; but while it was at its height, and while timid men trembled at its progress, he reminded the House that the Irish people had refused to make common cause with the Chartists in demanding universal suffrage. And how did the noble Lord propose to reward the Irish people for their conduct? Why thus: he said, "I find your franchise small and miserable, and I will give you such machinery as will render it impossible for you to realize even the franchise which you possess." His (Mr. O'Connell's) first objection to the bill was, that it contained nothing to define or to enlarge the franchise. It was said, he had once been in favour of annual revision and an appeal both ways, but why might he not change his opinions as well as the noble Lord? He certainly had at first thought that the system which prevailed in England ought to be adopted in Ireland, but who then opposed him? Why, the noble Lord himself. Who spoke against him on that occasion? The noble Lord. He was then for an annual revision; but the noble Lord was against it. It had changed sides since that time. But the reason why the change had been reciprocal was, that there had been great experience upon the subject; and how had that experience told? It showed that there was an organized resistance to an annual registry of the franchise; and he did not believe that it was practicable. His next objection was, that this bill would disfranchise all Ireland at once. Every man who registered on the 20th of November last, would lose the benefit of that registry. After six weeks' battling in Dublin, there were registered in his interest a majority of 300 votes. The entire registry consisted of from 1,100 to 1,200 voters. They went through the ordeal; attorney, and counsel, and witnesses were brought on both sides; and now they were to be deprived at once of their rights, and disfranchised by this bill! Where could they find such a sweeping measure of disfranchisement as this? Where was there exhibited such a contempt of vested rights as this? Would any one turn upon him and say "Were there no such sweeping clauses in the bill of 1835?" Why there were in that bill those redeeming qualities which, if they were put in this bill, would make him content to let it go into committee. But he never would consent in the absence of those or more explicit clauses, Was it reasonable or fair to have this sweeping disfranchisement? The voters already registered were to come up again to the revising court; the notices were to be served again; witnesses were to be examined as to the notices, and as to the facts, and as to the value of the property. Everything was to be tried over again, that had been tried within the last year. Was there ever greater injustice offered to the electors? They would have no advantage from their present register; not even a *prima facie* case could be made from it for them. They were to be treated just as if they had never been on the register. No man need give notice of objection. Every man was at liberty to come forth and object, without giving the slightest warning. Uncertainty and disfranchisement were to be thrown over the whole register. Oh, shame upon those that would commit that gross, that glaring, that palpable injustice! His next objection was to a matter apparently of detail, but really of the essence of this bill. He meant the notice required to be served. Why was it so complicated? A notice containing so many things, and requiring so much precision, never was yet introduced into any bill of this description. He was unwilling to fatigue the House by going into all the particulars, but he would mention two or three things which appeared to him to be most monstrous. Notice was to be given at the distance of thirty or forty miles, the name was to be written at full length, and the particulars of the nature of the qualification, the parish and place in which it was situated was to be specified, and its situation within that parish or place; there must be the local description of the property, and the name of the tenant or tenants, and the names of all the lives in the original, and in any renewed grant. Why, the best franchises in Ireland were those that had passed through a century of renewals for life, for in every one of those leases must be specified every renewal, or else the party, through the omission of one of them, could be defeated. Then, again, the right to the property must be specified, and that in every case, even in cases in which an assignee was concerned, and where it would require a competent lawyer to ascertain the right. Yet all that must be stated, and that the party believed what he stated. He mentioned these details as proof of the noble Lord's anxiety not to touch the franchise in Ireland. The very first proof that must be given of the franchise before the assistant-barrister, must be the proof of every one of these particulars. Here was another singular contrast afforded between the case of England and that of Ireland. At present a residence in towns and boroughs in Ireland entitled the parties to vote as in England. But in England, if the voter changed his place of residence before the registration, his vote could be retained by him. In Ireland, in the case of a change of residence, the party must begin *de novo* to recover his vote. With respect to the matter of the certificate, he thought the bil' of Mr. Woulfe would remove every difficulty. His next objection was to the appeal both ways. He knew that the hon. and learned Member for the University of Dublin would quote his speech against him which he made in 1835, wherein he spoke in favour of the appeal both ways. But even then he expressed his mistrust of the judges; and now he was more impressed with a want of confidence in them, and that with other considerations led him to object to the appeal against votes already inserted on the register, because the franchise was sufficiently curtailed already. He had not exhausted all his objections to this bill; but he deceived himself much if he had not stated sufficient to induce the House to reject a measure, which, if it had not been so intended, must practically operate to diminish the franchises of the Irish people, to make less what was now little, to diminish what ought to be augmented, to disfranchise the people, and be another blow to the liberties of Ireland. He conjured the House respectfully at once to throw out the bill, which would perpetuate injustice in Ireland. He feared it was vain to ask either side to do justice to Ireland. But, whether he might be blamed or laughed to ridicule, he would say it was impossible the present state of things should continue. The people of Ireland were too numerous not to attain peaceably and loyally, but firmly and constitutionally, an increase of rights. This attempt to spoil them, would be met with a firm and manly indignation. They were now carried away by no unnatural excitement. They were exhibiting another instance of their high excellence among the nations of the earth. They had of all others been the most faithful to what they believed the true creed—amidst war, plunder, desolation, and blood; and now they were rising in the might of a giant morality. They were now universally avoiding every species of intoxicating excitement. Prudence was marking their steps and their conduct. Indiscreet marriages, formerly a blemish in their character, had altogether ceased. The moral lesson was becoming a practical one. Dispose of them as England might, insult them if she chose—in his humble opinion they were her equals in constitutional rights—he believed them to be her superiors in morality and political integrity.

The House divided:—Ayes 250; Noes 234:—Majority 16.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord
Ainsworth, P.
Alford, Lord
Alsager, Captain
Arbuthnott, H.
Ashley, Lord
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barrington, Lord
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H.
Calcraft, J. H.
Castlereagh, Lord
Cholmondeley, hn. H.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T.
Codrington, C.
Cole, Lord
Colquhoun, J.
Compton, H. C.
Cooper, E. J.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Dalmer, hon. D.
Darby, G.
Darlington, Earl
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess
Dowdeswell, W.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Duncombe, A.
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, Captain
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E.
Hale, R. B.
Halford, H.
Hamilton, C. J.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, S.
Herries, J. C.
Hill, Sir R.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J.
Holmes, hon. W.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hurt, F.
Ingestre, Lord
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Jones, J.
Jones, Captain
Kemble, H.
Kelburne, Lord
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, W. S.
Law, hon. C. E.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Maidstone, Visc.
Manners, Lord C.
Marsland, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Maxwell, S. R.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Morgan, C. M. R.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, R. T.
Patten, J. W.
Peel, Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, G. J.
Pigot, R.
Planta, J.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Sir W.
Reid, Sir J.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. J.
Round, J.
Rushbrooke, R.
Rushout, G.
St. Paul, H.
Sandon, Lord
Scarlett, hon. J.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Sutton, hon. J. H.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thornhill, G.
Trench, Sir F.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, B.
Williams, R.
Williams, T. P.
Wood, Colonel T.

Wyndham, W.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, T. B.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, W.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R.
Buller, C.
Buller, E.
Busfeild, W.
Butler, hon. Col.
Byng, G.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, C.
Chapman, Sir M.
Clay, W.
Clayton, Sir W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Cowper, hon. W.
Craig, W. G.
Crawford, W.
Crawley, S.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W.
D'Eyncourt, C. T.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellis, rt. hon. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Fenton, J.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P.
Fort, J.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Grey, Sir C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hill, Lord, A. M.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, hon. E.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lennox, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hon. T. B.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Milton, Lord
Morpeth, Lord
Morris, D.
Morrison, J.
Muntz, G. F.
Muskett, G. A.
Noel, hon. C. G.
O'Brien, W. S.
O'Callaghán, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord
Paget, F.
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Pattison, J.
Pechell, Captain
Pendarves, E.
Phillips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rich, H.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelbourne, Earl
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Speirs, A.
Stanley, hn. E. J.
Stanley, hn. W. O.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Tavistock, Marquess
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, Sir R.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, H. R.
Westenra, J. C.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H.
Wood, C.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
French, H.
Somerville, Sir W. M.

Paired off.

AYES.	NOES
Archdall, M.	Bodkin, J. J.
Ashley, hon. H.	Strangways, hon. J.
Attwood, W.	Scholefield, J.
Barneby, J.	Seale, Sir J.
Bateson, Sir R.	Roche, Sir D.
Buck, L. W.	Conyngham, Lord A.

Burdett, Sir F.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Cartwright, W. B.
Chapman, A.
Cole, hon. A.
Copeland, Alderman
Cresswell, C.
Dungannon, Viscount
Egerton, Lord F.
Farrand, R.
Godson, R.
Gore, R. O.
Grant, hon. Col.
Hayes, Sir E.
Hinde, J. H.
Johnston, J. H.
Jones, W.
Kelly, F.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Lopez, rt. hon. T.
Litton, E.
Master, T.
Milnes, R. M.
Mordaunt, Sir J.
O'Neill, hon. Gen.
Palmer, G.
Parker, M.
Parker, T. W. A.
Plumptre, J. P.
Sotherton, J. B.
Stewart, J.
Thomas, Col.
Tollemache, hon. F.
Trevor, hon. G. R.
Wynn, rt. hon. C.
Yorke, hon. E

Cave, hon. R. O.
Walker, C. A.
Maher, J.
Standish, C.
Davies, Colonel
Humphery, Alderman
White, S.
Etwall, R.
Erle, W.
Power, J.
Fazakerley, J. N.
Heneage, E.
Talfourd, Sergeant
Norreys, Sir D.
Greenaway, C.
Martin, T.
Smith, B.
Gillon, R. D.
Ferguson, Sir R.
Wilde, Sergeant
Heron, Sir R.
O'Brien, C.
Rice, E. R.
Grattan, H.
Nagle, Sir R.
Dennistoun, J.
Smith, J. A.
Donkin, Sir R.
Bryan, Major
Berkeley, hon. G.
Acheson, Viscount
Chester, H.
Verney, Sir H.
Wood, Sir M.
White, H.
Blake, N. J.
Jervis, J.
Colquhoun, Sir J.
Turner, E.
Childers, J. W.

Absent.

NOES.

Abercromby, G.
Andover, Lord
Benett, J.
Blackett, C.
Blewitt, R.
Brabazon, Sir W.
Bulwer, Sir E.
Cavendish, G.
Cayley, E.
Chalmers, P.
Chetwynd, Major
Chichester, J. P.
Compton, Sir S.
De Winton, W.
Duncan, Lord
Edwards, Sir J.
Euston, Lord
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzgibbon, R.
Greig, D.
Hallyburton, Lord
Heathcote, J.

Heathcote, Sir G.
Heathcote, G.
Hollond, R.
Howard, Sir R.
Jervis, S.
Johnstone, Gen.
Langton, Gore
Leader, J. T.
Lemon, Sir C.
Macnamara, Major
Molesworth, Sir W.
Moreton, hon. A.
Murray, A.
Palmer, C. F.
Pease, Joseph
Ponsonby, hon. C.
Pryse, Pryse,
Ramsbottom, J.
Rippon, C.
Roche, E. B.
Rumbold, C. E.
Russell, Lord C.
Spencer, hon. Capt.
Stanley, W. M.

Staunton, Sir E.
Stuart, W. V.
Talbot, C. R. M.

Wemyss, Colonel
White, Luke

AYES.

Blakemore, B.
Burr, D. H.
Conolly, Colonel
Davenport, J.
Foley, E. T.
Gore, J. O.
Heathcote, Sir W.
Hughes, W. B.
Jenkins, Sir R.
Ker, D.

Lowther, Lord
Miles, W.
Monypeny, T.
Price, B.
Sanderson, R.
Sugden, Sir. E.
Wilmot, Sir E.
Wodehouse, E.
Wood, Colonel

The bill read a second time.

HOUSE OF LORDS,

Friday, March 27, 1840.

Minutes.] Bills. Read a third time:—Mutiny; Marine Mutiny.

Petitions presented. By the Marquess of Westminster, and the Earl of Lovelace, from several places, for, and by Lords Fitzgerald, and Wharncliffe, and the Duke of Buckingham, from a number of places, against, the Total and Immediate Repeal of the Corn-laws.—By the Dukes of Richmond, and Buccleugh, the Marquesses of Bute, and Londonderry, and the Earl of Aberdeen, from a great many places, against the existing system of Church Patronage, and in favour of Non-Intrusion.

Corn Laws.] The Marques of *Westminster*, in presenting a petition from a place in Lancashire, praying for a repeal of the Corn-laws, supported the prayer of the petition. At the same time he must observe, that he thought the change which the petitioners desired to see effected, would not tend so far to lower the price of bread as to afford them any material advantage, and if that were true, as he fully believed it was, the landlords and the farmers would not have so much reason to dread the proposed repeal. He was surprised at the inconsistency of a noble Lord opposite, (Ashburton), who was now opposed to the alteration of the Corn-laws, but who some years since in the House of Commons had strenuously opposed a motion which had for its object to increase the protection to agriculture.

Lord *Ashburton* said, that just five-and-twenty years ago, he had, being then a Member of the House of Commons, resisted further protection to the agricultural interest. The proposition at that time had been the establishment of such provisions as would keep the price of wheat up to 60*s.* per quarter; but there were in those days, men who contended that the price ought to be kept up to 80*s.*, and even some who went so far as to say that the protection ought to go so high as 120*s.* He had resisted that increased protection to the agricultural interest, and now, after the lapse of a quarter of a century, he should do the same. He hoped it would be borne in mind, that there was a wide difference between supporting an existing arrangement and establishing a new system.

The Duke of *Richmond* was surprised at the statement of the noble Marquess, that the repeal of the Corn-laws would not have the effect of injuring the agricultural interest, because it would not reduce the price of corn. Then why all this agitation for their repeal? It was no such thing. The agitators knew that if they could persuade Parliament to repeal the protection of the agriculturists their interests would be destroyed. The farmers would not be able to employ half the men, nor to pay them half the wages they now did; and what would be its effect in Scotland and Ireland? He complained of this, and the landed interest had a right to complain, that year after year this question was agitated, and thereby no landed proprietor could sell his land, nor any tenant think it safe to take a lease, while certain paid parties went about the country teaching the labourer not to look with confidence to his employer, and preaching that the interest of the landlord and the tenant was not one and the same. Neither was this a question on which all the manufacturers were agreed, for many looked forward to these discussions year after year with great alarm. He hoped no bill on the subject would pass the House of Commons. He believed it would not, because he believed the House of Commons represented the people; but if such a bill should unfortunately pass that House, he hoped that their Lordships would, on the second reading, reject it by a large and triumphant majority.

Petition laid on the table.

LORD SEATON — THE QUEEN'S MESSAGE.] The order of the day for considering her Majesty's most gracious message in relation to Lord Seaton, having been read,

Viscount *Melbourne* said—I now rise my Lords, to move that an humble address be presented to her Majesty, expressive of your Lordships' approbation of the sentiments contained in her Majesty's message, and to assure her Majesty, that your Lordships will be happy to concur with me in carrying those wishes into effect. Upon the early life and career of the noble Lord who is the subject of the present message, it is not my intention to expatiate, particularly in the presence of so many noble Lords whom I see around me, who are so much better able to speak upon such subjects than I can possibly be; suffice it to say, that from his youth he has been a soldier, and a distinguished soldier—that he has held the most confidential situations under the most distinguished commanders, and borne a considerable share in that series of triumphs which have shed such a lustre upon the British nation, and conferred so much glory upon the British arms, and so much advantage to the country and the world. Allow me, my Lords, now briefly to call your attention to the subject of the present message. After having been governor of Upper Canada, the noble Lord became commander of her Majesty's forces in both these provinces. During the period of that command, there broke out that unfortunate insurrection, which, for a time, entirely unsettled that country, and which he met with the promptitude and decision, and prudence and precaution, which rendered it of very short duration, and speedily restored the tranquillity of that country. This happened under the government of Lord Gosford; and when he left Canada, Lord Seaton succeeded to the government of the provinces. When her Majesty was advised to send out Lord Durham as Governor-general of the Canadas, the noble Lord instantly accepted, under the new Governor-general, the post he had formerly held as commander of the forces in these provinces; not, in my opinion, the least prudent or signal act of his Lordship's life, and evincing, at the same time, the moderation of his character, and his anxiety to serve her Majesty in any capacity which he might be called upon to do. He put aside all personal feeling, and acted in the most cordial manner with the new Governor-general. I think, my Lords, this was not the least noble trait in his character. He acted in a manner which did honour to the service, in performing the duty required of him, without regard to personal considerations, or to circumstances which might by others be considered humiliating. Next year, when the civil war broke out again, he acted with the same promptitude and prudence, and the disturbances were soon put down. I say, my Lords, that the prudence and wisdom of his civil services were equally conspicuous and valuable, and such, I believe I may say, as to command the universal approbation of the House and the country, and to merit the honours which her Majesty had been advised to bestow upon him. I call upon your Lordships to concur with the other House of Parliament to give him the means of supporting that honour. To this application there has been but one exception, and that a most honourable one. The only obstacle was a doubt in the mind of the noble and gallant Lord himself, whether the services which he had rendered were such as to merit the honours and rewards bestowed on him. That doubt was communicated to the Commander of the forces, and I believe that was the only doubt expressed in any quarter—it is the only one I have heard of. I trust that the House rather agree with the general voice of the country, than with the modest doubt expressed by the noble and gallant Lord himself; and, therefore, in the confident expectation of your Lordships' assent, I move, "That an humble address be presented to her Majesty for her most gracious message, informing the House that her Majesty, having taken into consideration the services of John Lord Seaton, as Governor-general of Canada and Commander of the forces in that province, had determined to confer upon him some signal mark of her favour; and to assure her Majesty, that this House will most cheerfully concur in any measure necessary to accomplish that most important purpose."

The Duke of *Wellington* said, I entirely concur in the motion which has been made by the noble Viscount. My Lords, I will not weaken what the noble Viscount has said, in respect to my noble and gallant Friend, by adverting to the topics which the noble Viscount has enumerated with so much feeling and ability. I have had the honour of being connected in service with my noble and gallant Friend at an early period of his life, and I must say, that at all times, and under all circumstances, he gave that promise of prudence, of zeal, of devotion to the service of his country, which he has since so nobly fulfilled. With respect, my Lords, to those services which he has rendered his country on the occasion mentioned by the noble Viscount, which have led to the message we are now considering, I can only say that I entirely concur with the noble Viscount in all that he has said respecting the noble and gallant Lord, in resuming his post, and taking the command of her Majesty's troops, notwithstanding it was deemed expedient that the government should be placed in the hands of another. I entirely agree with the noble Viscount in wishing that such examples as that shown by the noble and gallant Lord may be always followed by those who are in her Majesty's service; but I must say that there never has been a brighter example than this manifested by the noble and gallant Lord, respecting which the noble Viscount has so strongly declared his approbation. I must say I derive the greatest satisfaction on hearing the intimation of her Majesty's gracious favour to the noble Lord, and her Majesty's approbation of the great services he has rendered his country. I concur, my Lords, most cordially in the course proposed by the noble Viscount, in order to enable her Majesty to complete her gracious intentions in making provision for the noble Lord to support those honours which have been conferred on him.

The Duke of *Richmond*—My Lords, having served under my noble and gallant Friend, I beg your Lordships to allow me to express the gratification I feel on the present occasion in concurring in the sentiments expressed by the noble Viscount at the head of the Government, and more particularly in what has been stated by the noble Duke with respect to my noble and gallant Friend. When I first heard of the rebellion breaking out in Canada, it was a great consolation to me to know that he who had commanded the 52d light infantry in the Peninsula, who had gained the good-will of the inhabitants of the country through which he passed—who had obtained the love and respect of the officers and soldiers whom he commanded —who administered justice to all with an equal measure—was now in the command of her Majesty's troops in Canada, and I had the highest confidence in him. I agree with the noble Viscount in what he has stated, in thinking that to my noble and gallant Friend is mainly to be attributed the tranquillity which followed. Having had the honour of serving under his command, I thought I was justified in addressing your Lordships, and I beg to say, that I have never been called upon to give a vote which I shall give with more satisfaction than this for a provision for Lord Seaton, who has a greater claim upon the country for his services than any man alive.

Motion agreed to, *nemine contradicente*.

METROPOLITAN POLICE COURTS.]

House in committee on the Metropolitan Police Courts Bill.

On the first clause,

Lord *Wynford* objected to the attempt that was now made to supersede the magistracy of the counties near London by the appointment of stipendiary magistrates. In most parts of Surrey, and more particularly in Kent, with which he was well acquainted, there were on the bench in the towns in the neighbourhood of town, men calculated from their knowledge, as common or civil lawyers, to preside ably upon the bench. In this point of view he confessed he thought the appointment of paid magistrates, with clerks, courts, and court-keepers, at a very great expense to the county, was perfectly unnecessary. The duty of such a magistrate could not occupy more than two hours a day, for which he was to receive, as he was informed, 800*l.* per annum. His greatest objection to the bill was, that it provided that when the unpaid county magistrates were sitting in the discharge of their duty, should one of those paid magistrates come upon the bench, instantly their jurisdiction ended, and the whole jurisdiction was confined to the stipendiary magistrate only. He thought such a provision derogatory to the magistracy, who must resent this attempt to degrade them in the eyes of the public. They, if the bill were to pass, would feel it their duty to, at least, absent themselves from all proceedings in which the paid magistrates might, in virtue of their office and appointment, interfere. He thought the proper line dividing the metropolitan district and the rural district was sufficiently designated by the bill establishing the Central Criminal Court. He should therefore propose that the jurisdiction of such magistrates should be co-extensive with the boundaries of the jurisdiction of the Central Criminal Court, and that no court having a paid magistrate should be erected outside the circuit of the present criminal court's jurisdiction, which embraced the county as far on the side of Kent as Deptford and Greenwich. By pushing this system further out from the metropolis, the criminals in the rural districts would be mixed with and imprisoned in the gaols of the metropolis, which must have a tendency to corrupt them, and teach even the younger classes a more perfect system of fraud and plunder than they ever could arrive at without such means of instruction. He perfectly understood, and so did others too, that this was only a feeler to try the pulse of the public, and that if this bill was suffered to pass, the system of paid magistracy would be extended far and wide, and the independent magistrates throughout the whole country would be totally superseded, an event which he could not contemplate but with regret and alarm. In order to carry the object he had in view, he should move that the second clause of the bill be altered, by substituting for the words in it "Metropolitan police district," the words "the limits of the jurisdiction of the Central Criminal Court," which alteration he thought would effect that part of the object he contemplated. He should also propose that at the end of the second section, the power of appointing magistrates be limited by the insertion of the words, "and further, that there be not appointed more than twenty-seven paid magistrates to perform the duties of the said courts."

The Marquess of *Normanby* said, he should certainly be opposed to any attempts thus to curtail the power given to the Crown by the bill of last year respecting the appointment of these suburban courts. The restriction was the less necessary, as there was already a provision in the bill of last year, giving the power to pay only twenty-seven such magistrates. He could not see the advantage that would be gained by the noble Lord's amendment, which substituted the words "limits of the jurisdiction of the Central Criminal Court," for the words "Metropolitan police district;" for in many instances the former was known to comprise places and towns distant fourteen miles from town or further. There was no danger, therefore, that if this bill were adopted, there would be any greater chance of the people in the rural districts being corrupted by mixing in these courts or in the gaols in town with metropolitan offenders, than already existed under the bill establishing the jurisdiction of the Central Criminal Court. It could not be fairly imputed to him, that he had given an invidious preference to the stipendiary over the county magistrates. That power, of which his noble and learned Friend complained, was given by the Police Bill of last year—namely, the power to act when sitting alone, which power could only be exercised now by two county magistrates. That power was now, upon the appearance of the police magistrates, virtually transferred to that functionary upon the bench. This had been determined on after due consideration and deliberation. Indeed, it was reckoned essential, in order to make the police effective; and, sooner than agree to a proposition which would impair the effectiveness of the police, he would prefer withdrawing the measure altogether, and let the bill drop.

Viscount *Sydney* hoped a limit to the appointment of these courts, under the control of paid magistrates, would be fixed. The average number of cases inquired into by the magistracy in his own district was not more than 105 annually, for which the magistrate was to be paid at the enormously disproportionate rate of 800*l.* a year.

The *Lord Chancellor* said the principal object of this bill was to fix what ought to be the construction put upon the bill passed last session on this subject, and to ascertain more precisely the limits of the jurisdiction then established for courts of this description.

Lord *Wynford* renewed his objection, stating, that he did not like to trust to the promisses of Ministers, nor permit the Government to get the wedge in so as to authorise a system of jobbing the magistracy throughout the country in a wholesale way hereafter.

The Duke of *Wellington* suggested, that it might be better he should now report progress, and suffer his learned Friend to print these amendments, so as to enable himself and other noble Lords to ascertain what the amendments really were.

The Marquess of *Normanby* thought it desirable the bill should pass as soon as possible, in order to settle the point in doubt, whether the bill of last year sufficiently authorised the exercise of this jurisdiction by the magistrates under that bill. He should not hesitate to acquiesce in the proposition of the noble Duke. He moved that the chairman report progress.

House resumed.

HOUSE OF COMMONS,

Friday, March 27, 1840.

MINUTES.] Bill. Read a third time:—Consolidated Fund. Petitions presented. By Messrs. Muntz, Strutt, W. Evans, Ward, Williams, Hume, Turner, Thorneley, Salway, Baines, and Sir G. Strickland, from an immense number of places, for, and by Messrs. Neild, R. Hill, Christopher, Dugdale, Bell, Captain Duncombe, Sirs R. Inglis, C. Burrell, Lords Mahon, and C. Manners, Colonel Verner, and the O'Conor Don, from an equally great number of places, against, the Total and Immediate Repeal of the Corn-laws.—By Messrs. B. Ward, Hume, and Turner, from Southwark, Marylebone, and Blackburn, against the Beer Bill.—By Sir Charles Burrell, and Sir R. Inglis, from two places, for, and by Mr. C. Lushington, from two places, against, Church Extension.—By Mr. Gladstone, from a place in Nova Scotia, for Church Extension there.—By Mr. Hume, from Glasgow, for Universal Suffrage, and the Ballot.—By Sir Charles Burrell, from one place, and Mr. Dugdale, from Warwick, against the Grant to Maynooth College.—By Mr. Pakington, from three places, for Support to the Established Church in Canada.—By Sir G. Strickland, from Darlington, against the Importation of Hill Coolies.—By Mr. Lambton, from Clerical Bodies of Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Lucas, from Monaghan, against the Importation of Foreign Flour into Ireland. —By Mr. Baines, from several places, in favour of Inland Bonding.

TRADE WITH JAVA.] Mr. *Colquhoun* begged to ask the noble Lord whether the Java duties had yet been placed upon a footing corresponding with the treaty between this country and Holland upon the subject, and whether any steps had been taken by her Majesty's Government with reference to the new settlement at Sumatra.

Viscount *Palmerston* said, that one of the subjects of discussion between the two Governments related to the difference between the duties imposed upon British and Dutch imports, our Government contending that the existing tariff was not in conformity with the treaty in this respect. In consequence of this discussion a new tariff had been issued by the Dutch authorities, which was quite satisfactory as regarded the difference of duties, for it fixed the duties in such proportions as were consistent with the terms of the treaty. The question which still remained was, whether, according to the correct interpretation of the treaty, the difference of duty should depend upon the nationality of the commodity or upon that of the flag. We had met with this difficulty in supporting the construction of the treaty for which we contended—namely, that we found the East India Company were acting upon the same interpretation of the treaty as was adopted by the Dutch government. The East India Company was not inclined to make any alteration in the course which they had taken in this respect, and it was therefore not just that we should press our construction of the treaty upon the Dutch government, when the East India Company were acting upon an opposite interpretation. The matter had, consequently, been allowed to rest where it was. With regard to the other subject referred to by the hon. Member, her Majesty's Government had applied to the Government at the Hague to ascertain whether the proceedings of the local authorities at Java, with respect to the new settlement, had taken place with the sanction of the Government at home. The answer was, that those proceedings had taken place with such sanction, and therefore there was no ground for any interference on our part with the authorities at Java, nor was there any ground for supposing that the proceedings of the Dutch authorities would prove injurious to British commerce, for, of course, British subjects would be entitled to trade with the new settlement upon the same terms as those on which they traded with settlements already established.

SANDWICH ISLANDS.] Viscount *Ingestrie* begged to ask a question of the noble Lord. He had heard that in July last a French frigate had gone to the Sandwich Islands, and forcibly insisted that the governor should allow a site of land for the erection of a Roman Catholic church. The parties further stated, that the captain declared war would be the alternative if the demand were not complied with; and they gave the king of the Sandwich Islands twelve hours to deliberate on the matter, and in the meantime they declared the harbour to be in a state of blockade. He wished to know whether the Government had received any official information to this effect? He wished also to know whether any correspondence had been opened with the French government? And, in the third place, he desired to be informed whether those islands which, in the year 1794, and subsequently in the year 1824, when he was there, had been declared to be under the protection of the British Government, were still considered by the noble Lord to remain in the same position.

Mr. *O'Connell* objected to questions being asked which involved so many details, without notice being given.

The *Speaker* said the noble Lord was not out of order.

Viscount *Palmerston* said, he had received no report of the transaction to which the noble Lord had referred. He had had a report of a former transaction of a similar nature.

Mr. *O'Connell* wished to know whether the Government had received any accounts of the case of Roman Catholic missionaries at Otaheite, some of whom had been tortured on the suggestion of Wesleyan ministers, and expelled.

Viscount *Palmerston* said, the only case he had heard of was that of two French missionaries, who were expelled from Otaheite about two years ago.

KING OF HANOVER.] Mr. *Hume* said that, after the motion he made in May 1838, he had hoped it would have been unnecessary for him to bring the subject of the king of Hanover's pension of 21,000*l.* a-year before the House again. He perceived by a Parliamentary account, that the Duke of Cumberland had received, since his accession to the throne of Hanover up to the present period, no less than 53,365*l.* When he brought forward this motion in 1838, the House did not concur with him, and his motion was lost by a majority of 35. Since that period, the king of Hanover had had time to reflect on the subject, and he was, no doubt, aware of the financial difficulty in which the country was now placed. He had hoped that the king of Hanover would have followed the example of the king of the Belgians, who had never received one shilling of English money, for he repaid his pension to trustees, who delivered it over to the Treasury, deducting certain allowances to the old servants of the Princess Charlotte, and a sum sufficient to maintain the Claremont estate. He had hoped that the king of Hanover would have followed that liberal example, and as he had not done so, he thought that her Majesty's Ministers ought to have attended to the subject. He thought that this money was improperly paid, and he would tell the House why he thought so. In the last debate on this subject, the right hon. Member for Ripon, who he regretted was not now present, admitted, that if an act of Parliament gave a sum for a specific purpose it was competent to Parliament to rescind the grant, if the object for which it was paid did not continue. Now, what was the present case? The money of this country was, in the first place, granted under 18th Geo. 3rd, c. 31. By this act, 60,000*l.* was allowed to George 3rd, for his five eldest sons, Prince Ernest being one. This gave each of his sons 12,000*l.* a-year, with benefit of survivorship, which increased the King of Hanover's allowance to 15,000*l.* And Lord Grenville added to this sum by a grant of 6,000*l.*; making the whole annuity what he had stated, 21,000*l.* The act stated, that it being just and reasonable to enable his Majesty to make provision for the honourable support and maintenance of the Princes, allowed the sum to which he had referred. Now George 3rd, being without hereditary revenues, it appeared to him, that Parliament granted him this sum for the benefit of his sons, they having no other income. He put this question to the noble Lord, if it had been known at the time that grant was made, that Prince Ernest would ascend the throne of Hanover and obtain 300,000*l.* a-year, or at any rate, a sufficiently large sum to maintain his dignity, would the House have consented to it? Her Majesty's Government ought, at any rate, to suspend this grant, because he thought it was quite possible, that the King of Hanover might come to reside in this country; and, if so, he must, of course, surrender what he received from Hanover, and become entitled to his former allowance. What he now contended for was, that his succession to the throne of Hanover, which secured him an ample revenue, did away with the intention and spirit of the act, granting a sum out of the Exchequer of this country for his maintenance and support, as one of the sons of George 3rd. The act of George 4th continued this pension for the same reason as that of George 3rd, and the reason of both being passed no longer existing, the country ought to have the benefit of their repeal. On a former occasion, the right hon. Member for Cambridge said, that the King of Hanover was as much entitled to this money, as any creditor to his dividend. The cases were quite dissimilar, one was a voluntary grant by Parliament, the other the result of a bargain. He was aware, that it was highly proper to preserve public faith, and he never countenanced the smallest violation of it, but it was perfectly consistent with such views to call upon Parliament to deal in an economical spirit with the public money, when the industry of the country was so heavily burdened as it was. This 21,000*l.* might be enough to pay the loan which the Chancellor of the Exchequer would, in all probability, have to borrow, in order to carry on the business of the country. At any rate, it would contribute to lessen such a charge. He found that a sum of 720,000*l.* was voted this year to the royal family. Now, when he saw the mother of the Queen obliged to rent a house, while the King of Hanover held one half of St. James's Palace, which he locked up, keeping the key, he must say, that it was such an extraordinary circumstance, that he did not see what the Government was about to allow it. It was their business to see that the public property was taken care of, and he did not understand why they did not interfere in such a case. He understood, that the Government was about to resume 400 or 500 acres of land at Kew, which the King of Hanover formerly possessed. If they had the power to do this, why not also withdraw his pension? It had been said, that he acted on the present occasion, from a difference in political views with the King of Hanover. He certainly was directly opposed to his political views, but his only object in submitting the present motion was to guard the public purse against unnecessary extravagance. He put this single proposition to the noble Lord:—Suppose the King of Hanover, as a member of the German Confederacy, declared war against England, should we enable him to carry on that warfare by our means? Again, suppose he succeeded to the throne of England, would not such a change, allowing him a larger means of support, annul his present pension? He held, on sound principle and in point of economy, that this pension should no longer be granted, it having been at first given as "an honourable means of support," and the reason of it now failing, in consequence of the King of Hanover being an independent sovereign. He should conclude, then, by moving for leave to bring in a bill to suspend the pension paid to the King of Hanover.

Lord *John Russell* said, that the present was a motion for the purpose of taking away an annuity granted to his Royal Highness the Duke of Cumberland for life. That simple sentence appeared to contain the whole case. Parliament had granted the annuity for life. For life, therefore, he considered that it became the property of the Duke of Cumberland. So his Royal Highness had a right to consider it, and he might have charged it with debts or otherwise disposed of it as a *bona fide* annuity granted by Parliament. With respect to the question whether, on becoming King of Hanover, the Duke of Cumberland ought to have surrendered the whole or a part of the income derived from this country, that was a subject upon which individuals had a right to give their opinion; but that was not the question before the House. The question was, whether the House could properly take away, by Act of Parliament, a sum that had been already given; and he was of opinion that, at least, it ought not. He should not go further into the question, and would only allude to what the hon. Gentleman had stated with respect to the conduct of the Administration as to the apartments granted for the use of the Duke of Cumberland. The hon. Gentleman seemed to think that her Majesty's Ministers were to blame for not seeing that those apartments were not properly occupied and taken care of by the persons who enjoyed the use of them. As to the latter point, the Office of Works would certainly take all due pains that the apartments in question should be in a state becoming the royal palace. With regard to the question, whether her Majesty should resume the occupation of those apartments, he apprehended that was a point for the consideration of her Majesty. If her Majesty had seen fit to provide a private residence for her august mother the Duchess of Kent, the expense of that establishment would be defrayed by her Majesty herself, and not by the public; and he conceived that no person would be prepared to institute an inquisition into the expenditure of the privy purse. There were many demands upon the privy purse—many in which her Majesty had no personal interest, but it became her to continue what had been done. The Queen had taken upon herself the debts of his late Royal Highness the Duke of Kent, and various other expenses, for which there was no legal claim upon her Majesty. If, besides those heavy expenses, her Majesty should be disposed to contribute towards the expense of a private residence for the Duchess of Kent, the public would not be called upon to bear any part of the charge. He would make no observation on what might have been the conduct of other persons with respect to these apartments in St. James's Palace; but with regard to her Majesty, her Majesty's advisers could not give any other advice to their Sovereign, than that it would not be proper to alter the noble and generous conduct towards all the members of the Royal Family that had hitherto been pursued.

Colonel *Perceval* was satisfied that every Member would join in the eulogy which the noble Lord had so justly pronounced upon the conduct of her Majesty in disposing of the privy purse; but he felt it his duty to take that opportunity of giving a public contradiction to a statement contained in one of the papers supposed to be in the confidence of the Government, setting forth that application had been made for the apartments in St. James's Palace for the accommodation of the Duchess of Kent, by authority of her Majesty, and had been refused. He was authorised to say, not only that that statement was not true; but that, on the contrary, the Duchess of Kent objected to the apartments, as, in every respect, inconvenient for her accommodation. He presumed that what he thus stated was not unknown to the members of the Government. There was nothing in what had fallen from the hon. Member for Kilkenny, in introducing this subject, which called upon him to make any remark with reference to the manner in which he had expressed himself towards the Duke of Cumberland, now King of Hanover; but he could not allow it to be supposed that the King of Hanover derived any advantage from the meadows at Kew. All the profits derived from that land were paid into the office of the Woods and Forests. This he was himself aware of; and he was authorised further to state, that all the profits derived from grazing and otherwise were paid in to the Woods and Forests. Such he knew to have been the case when the Duke of Cumberland resided at Kew; for he sent a horse or two to graze there, and he made his bargain, through a saddler, with a servant of the Woods and Forests. The only advantage that the King of Hanover derived from these meadows was, that some old horses were allowed to graze there. As every man's estate belonged to the owner, so it was competent to the Duke of Cumberland to deal with his income; but he was prepared to show—although he did not suppose the House would think it necessary that he should enter into particulars of private expenditure—he was prepared to show, if necessary, that the income which the King of Hanover derived from this country was applied, as it had always been, to paying the interest on his just debts, and paying off the principal by instalments. He had premises and stables at Kew, and maintained about three and twenty servants there, as he had done when he resided there, for he was not the man, when he became King of Hanover, to turn away any of those servants whom he had retained for so many years. Some of those he had the honour and good fortune to know, and the occasions when he had had the honour of being a guest at Kew not having been unfrequent, he found the same servants at his last visit whom he had met at his first. No man was more highly beloved than the Duke of Cumberland was by the members of his establishment. He continued to all, now that he was King of Hanover, the same allowances which they had enjoyed before. There was no part of the statement of which he (Col. P.) was not authorised to give an explanation, but he trusted that the House would be satisfied with these general remarks; and that, although the motion of the hon. Member for Kilkenny was reconcilable with his usual views of economy, the House would not think it its duty to take away that which had been granted by the authority of Parliament, and over which they had no more control than he had over the property of any other individual.

Lord *John Russell* understood the hon. and gallant Colonel to say, that the apartments of the King of Hanover in St. James's-palace had been declined by her Royal Highness the Duchess of Kent, as being inconvenient, and that that circumstance was known to her Majesty's Ministers. If that was the statement of the hon. and gallant Gentleman, he must say, that it was a statement altogether new to him. He was not aware of anything of the kind.

Colonel *Perceval* read a statement from a written paper, to the effect, that "it had been erroneously supposed, that the apartments had been desired by the Duchess of Kent. So far from that being the case, her Royal Highness did not wish for them, and considered them inconvenient" [*Name, name*]. He had no objection to name the authority—he was reading the statement of Sir Frederick Watson, the gentleman who managed the affairs of the King of Hanover in this country.

Mr. *Warburton* asked if it could be denied, that when the income was given to the Duke of Cumberland, it was not in contemplation of the Parliament which granted it, that it should be granted or continued to a foreign potentate? It was given to a prince of the blood royal of the English race. The case stood upon a sense of propriety both on the part of the Duke of Cumberland and of the House. Whether it was proper that an income derived from this country should be received by a foreign potentate—an income voted to him when he was Duke of Cumberland, in support of his dignity in that character. What had induced the Marquess Camden to give up the large income to which he was entitled as teller of the Exchequer. He was aware, that the country was in difficulties, and it was his sense of duty that made him give up the emoluments of his office. If the present was merely a case of pensioning off old servants, or of paying just debts, as had been hinted at by the hon. and gallant Gentleman opposite, he (Mr. Warburton) was sure, that no one would be more ready than his hon. Friend the Member for Kilkenny to make an allowance on that account; but if the whole income of the Duke of Cumberland was devoted to those purposes, it followed as a matter of course, that his Majesty of Hanover, had he remained in this country, would have had no income at all to live upon. If reasonable and just demands upon the income of the King of Hanover could be made out, the hon. Member for Kilkenny would be the first to admit the justice of meeting them; but until such demands were made out, it was quite right that some such proposition should be made, as that now before the House.

Mr. *Aglionby*, in calling the attention of the House to the terms of the Act of Parliament, said that these grants were originally made in consideration of the large family of George 3rd, and no such change as one of the princes becoming the sovereign of a foreign state was then contemplated.

Lord *Worsley* believed, it was the general wish throughout the country that the King of Hanover should relinquish this pension; but, at the same time, he was bound to say, that although certain words might have been used in the act of Parliament without reference to circumstances that might afterwards take place, he did not think it was fair to put such a construction as had been attempted to be put upon the act. He could not, however, express too strongly his wish that the King of Hanover would give up this pension; nor could he express too strongly his opinion, that he ought to have done so before this time. But, at the same time, he recollected, that during the debates upon the pension list, one of the grounds of objection was that those pensions were under the guarantee of an act of Parliament. On the same principle, he conceived, that this pension had been guaranteed to the King of Hanover by act of Parliament, and, therefore, however strongly he might feel that the income ought to be relinquished, he should not act honestly, if he did not vote against the motion of the hon. Member for Kilkenny.

Mr. *Handley* would vote with the hon. Member for Kilkenny, because he believed that the present state of things was not contemplated when the income was granted to the King of Hanover. He would ask if the King of Hanover were engaged at war with this country, would hon. Members think proper to continue the allowance. He apprehended that that Sovereign had already waged war against the commerce of this country, by levying and collecting a system of duties more galling than any that could be conceived. As to the payment of the profits of the meadows, that had been alluded to, he would ask, if they had been spontaneously paid, or had they not been withheld until the King had been called to account for rents, which, otherwise he was prepared to put into his own pocket.

Colonel *Sibthorp* contended, that as the annuity to the King of Hanover had been granted by an act of Parliament, that House had no right to deprive him of it, at the same time, he must say, if he were in the situation of the King of Hanover, he would give it up. They had no right, however, to compel any man to surrender up a right enjoyed by act of Parliament, and, on that ground, he certainly should not vote for the motion of the hon. Member for Kilkenny.

Sir *R. Price* said, he could not, for his own part, understand how the King of Hanover could consent to receive this annuity under such circumstances. His opinion was, that when a member of the Royal Family became entitled to the crown of another country, he should cease to draw money which was intended for his use while resident in England, and he only wished, that in this respect, his Hanoverian Majesty had followed the example of King Leopold, not to mention that set by Lord Camden. When this debate reached Hanover, he hoped his Majesty would be advised not to accept this 21,000*l.* in future, but although his opinion was, that the King of Hanover should not accept this annuity, he nevertheless did not feel, that he could vote on this occasion with the hon. Member for Kilkenny. He was quite aware how easy it was to draw distinctions between cases, but, at the same time, he thought, that in matters of this kind, the honour of this country should be consulted, and that they had no right to withdraw by force, that which was given by act of Parliament.

Mr. *Goulburn* said, that the hon. Member for Kilkenny seemed to suppose that, because the original act was for the maintenance and support of the Duke of Cumberland, the House was now to judge whether he required that support, and, judging that he did not so require it, were at liberty to take it away. This was merely a technical objection, but the hon. Gentleman ought to have assured himself, that the words he quoted were in the act, which they were not. When the King died, it was expressly stated, that these annuities were no longer payable out of the hereditary revenues, and Parliament proceeded to charge them upon the consolidated fund. If the House admitted the principle contended for by the hon. Member, there was not an annuity granted to a single individual, that might not be destroyed.

The House divided:—Ayes 63; Noes 76: Majority 13.

List of the Ayes.

Aglionby, H. A.
Barry, G. S.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Bridgman, H.
Brotherton, J.
Collier, J.
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Duke, Sir J.
Duncombe, T.
Evans, Sir De L.
Ewart, W.
Fort, J.
Greg, R. H.
Hall, Sir B.
Handley, H.
Hawes, B.
Hawkins, J. H.
Hodges, T. L.
Horsman, E.
Humphrey, J.
Hutton, R.
Jervis, S.
Lambton, H.
Lister, E. C.
Lushington, C.
M'Taggart, J.
Marshall, W.
Marsland, H.
Morris, D.
O'Connell, D.
O'Connell, M. J.
Pattison, J.
Philips, M.
Ponsonby, hon. J.
Power, J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rundle, J.
Salwey, Colonel
Stansfield, W. R. C.
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Turner, E.
Turner, W.
Vigors, N. A.
Wakley, T.
Wallace, R.
White, A.
Wilbraham, G.
Williams, W.
Wilshere, W.
Wood, B.
Yates, J. A.

TELLERS.

Hume, J.
Warburton, H.

List of the Noes.

Bagge, W.
Baillie, Colonel
Baring, rt. hon. F. T.
Barnard, E. G.
Blackburne, I.
Boldero, H. G.
Bruges, W. H. L.
Christopher, R. A.
Clay, W.
Darby, G.
Drummond, H. H.
Eastnor, Viscount
Egerton, W. T.
Fector, J. M.
Feilden, W.
Fellowes, E.

Fitzroy, hon. H.
Follett, Sir W.
Forester, hon. G.
Gladstone, W. E.
Goddard, A.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir C.
Hamilton, Lord C.
Hardinge, rt. hon. Sir H.
Hepburn, Sir T. B.
Hodgson, R.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hurst, R. H.
Ingham, R.
Irving, J.
Jackson, Sergeant
Jones, J.
Kemble, H.
Lincoln, Earl of
Lygon, hon. General
Mackenzie, W. F.
Mackenzie, T.
Mackinnon, W. A.
Marsland, T.
Mathew, G. B.
Maule, hon. F.
Miller, W. H.
Neeld, J.
Nicholl, J.
Pakington, J. S.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, hon. G. J.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rose, rt. hn. Sir. G.
Round, C. G.
Round, J.
Rushout, G.
Russell, Lord J.
Sandon, Viscount
Shaw, rt. hon. F.
Smyth, Sir G. H.
Steuart, R.
Sutton, hn. J.H.T.M.
Teignmouth, Lord
Thornhill, G.
Trench, Sir F.
Verner, Colonel
Wood, Colonel T.
Worsley, Lord

TELLERS.

Sibthorp, Colonel
Perceval, Colonel

TURKEY AND EGYPT.] Mr. *Hume* rose to move, pursuant to his notice—

"An Address to Her Majesty, that she will be graciously pleased to lay before this House such parts of the correspondence between Lord Ponsonby, the British Minister at Constantinople, and Lord Viscount Palmerston, Her Majesty's Secretary for Foreign Affairs, as relate to the negotiations in the years 1839 and 1840, between the Sultan of the Sublime Porte and Mehemet Ali, for the hereditary possession of Egypt and other provinces claimed by Mehemet Ali, and for the settlement of peace between him and the Sultan; and for the delivery by Mehemet Ali of the Turkish fleet to the Sultan."

The hon. Member said, the papers already laid before the House by the noble Lord at the head of the Foreign Affairs, were very deficient in information, and he had hoped, that, after what had passed in July last, the noble Lord would have, before this time, given the House the fullest explanation on the state of affairs in the east of Europe. It was announced in her Majesty's speech from the throne, on opening the present Session on the 16th of January last, that—

"The affairs of the Levant have continued to occupy my most anxious attention. The concord which has prevailed amongst the Five Powers has prevented a renewal of hostilities in that quarter; and I hope that the same unanimity will bring those important and difficult matters to a final settlement in such a manner as to uphold the integrity and independence of the Ottoman empire, and to give additional security to the peace of Europe."

Now, he (Mr. Hume) wished the House to have from the noble Lord some explanation of the nature of that concord, which was stated in the speech from the throne, to exist between these Five Powers. He believed, as far as he could learn, that out of these transactions instead of concord, the greatest discord had grown up, and he was sorry to find that, as regarded France in particular, the policy and conduct of the noble Lord had produced so great indifference of opinion, as to risk the good feeling and cordial co-operation which before had existed, and which it was so highly desirable should continue to exist between that country and ourselves on all questions affecting the peace of Europe. If it were true, as stated in her Majesty's speech, that the utmost concord and unanimity existed between the Five Powers, how did it happen that the question of peace or war between Turkey and Egypt, after a lapse of eight months, still remained unsettled? Independent of other disadvantages arising to the trade of this country, and to that of the Ottoman Empire, from the present unsettled state of things, the expense of maintaining our large naval armament in the Mediterranean had already cost this country an annual amount of upwards of half a million sterling. He did not think the Government, in the present state of financial difficulty, had acted fairly and candidly in the information they had given the House in her Majesty's Speech upon this subject. The whole proceedings of these Five Great Powers were involved in a mystery which required to be speedily explained. As the matter at present was understood, he must say, that the noble Lord had departed from the course of policy he formerly pretended to follow:—instead of promoting peace between the Sultan and Mohamed Ali, and thereby supporting the integrity of the Ottoman empire, he had been the chief cause of increasing discord when peace was about to be concluded; and of keeping up hostilities, and all those evils which invariably resulted to every country from a state of civil war. For his own part, he (Mr. Hume) believed, and should be able to prove to the House, if the correspondence he asked for was produced, that, had it not been for the improper interference of Great Britain, and of the other four powers with the Divan at Constantinople, peace would have been established between Turkey and Egypt eight months ago. The erroneous policy of the noble Lord had, in fact, put the people of England to an annual expense of between 500,000*l.* and 600,000*l.*; and, at the same time had kept the Turkish empire in a state of civil war. This required to be explained and he asked for the information. It was not his purpose at this time to discuss the character of Mohamed Ali; but this, at least, he might observe, that Egypt and Syria and Arabia were now much better governed under him than they had been for many years before. The noble Lord judging from his conduct, seemed to be quite ignorant of what the condition of those countries was in former times as compared with their present state: but he (Mr. Hume) could speak of it from his own knowledge, having been a traveller in several parts of Turkey and Egypt thirty years ago, and experienced how dangerous it was, at that time, to travel without a strong military escort: but now since these provinces had been some years under the government of Mohamed Ali, the European traveller could move from one extremity of that country to the other without personal danger or pecuniary extortion. It was said by the noble Lord and the other four powers that the integrity of the Ottoman empire must be maintained; and he (Mr. Hume) was anxious that such should be the case: but when he looked back to the proceedings of four of these five powers, against the Turkish empire, there were good grounds to doubt their sincerity. He found that Austria now held many districts formerly Turkish; and that England had separated Greece, and lately taken Aden from Turkey:—that France had seized Algiers; and that Russia had been a spoliator on a grand scale, and he was, therefore, desirous to have the word *integrity* defined by the noble Lord. But let the House consider for one moment, who the parties were who thus united and acted with such concord to preserve its integrity? Russia was one of them; but surely France, England, and Austria were more interested in securing that object; and yet the noble Lord appeared, in all the negotiations, to lend himself to the policy of Russia. He would ask, could any man, knowing her general conduct, say that the object, the real desire of Russia, was to preserve the integrity of the Turkish empire? For many years past, had not the undeviating policy of Russia been to encroach upon the provinces of her weaker neighbours; and, year after year, to proceed on a general system of aggression,—the ultimate object of which was to render the dismemberment of Turkey as complete as that of Poland? Was the House aware of the spoliations of that power from her neighbours? He would state some of them. At the death of Catherine in 1796, the population of the Russian empire was about 36,000,000; at the death of Alexander it was 58,000,000. The acquisition of territory by Russia from Sweden, was greater than what remains of that kingdom. The spoliations of Poland are nearly equal to the whole of the Austrian empire; and the acquisitions from Turkey in Europe are of greater extent than the Prussian dominions, exclusive of the Rhemish provinces; her acquisitions from Turkey in Asia are nearly equal in dimensions to the whole of the smaller states of Germany: the spoliations from Persia are equal in extent to England—whilst her acquisitions in Tartary have an area, not less than that of Turkey in Europe, of Greece, Italy and Spain. In fact, Russia has, within sixty-four years, doubled the size and population of the whole empire. She has advanced her frontier 700 miles towards Berlin, Venice, and Paris—500 miles towards Constantinople—630 towards Stockholm, and 1,000 towards the capital of Persia; and yet the noble Lord, with these facts staring him in the face, had chosen to make himself the ally of Russia;—had submitted to become, apparently, the subservient tool of the crafty statesmen of that country; and his present policy seemed very materially to hasten the dismemberment of an empire which he professed his anxiety to preserve entire, as completely as if he had been one of the council of that Autocrat. He should be glad to hear from the noble Lord upon what grounds he risked the abandonment of the French alliance by joining in preference his policy with that of Russia. He should be glad, also, to know upon what ground or pretence it was that Mohamed Ali was now to be stripped of the hereditary government of Egypt, and of the possession of Syria, which was understood to have been guaranteed to him in 1833 by Mr. Mandeville, the representative of the British Government, after the defeat of the Sultan's troops at Koniah. From the papers laid before this House last year, it was quite evident that the representatives of the British Government used their influence to settle peace with Mohamed Ali in that year; and that they in reality, afterwards, also guaranteed all the possessions which the Sultan had given to him. If there was no specific treaty for that object to which Great Britain became a signing party, there was a printed correspondence between Mohamed Ali and the five powers which he had in his hands, which ought to preclude* the noble Lord from denying, that a clear and decided sanction was given by Great Britain to the treaty between the Porte and the Pacha, if it was not a guarantee in strictly diplomatic language. The noble Lord had admitted that there was a convention at Kutaya; but he had, at the same time, denied that England was a party to it. He was sorry to differ from the noble Lord, being quite confident, if the correspondence of Lord Ponsonby was produced, that the proof of that guarantee would appear to the House to be complete.—On the 29th March, 1833, Mr. Mandeville writes, from Constantinople, to Ibrahim Pacha, that as the Baron de Varenne had been commissioned by the French ambassador to proceed to Ibrahim's camp with the Sultan's messenger to aid him in settling peace, "to inform him that the Sultan had conceded to Mohamed Ali, in addition to Egypt which he held, the government of the whole of Syria, with the towns of Aleppo and Damascus." And, in the name of the British Government, Mr. Mandeville requests him to accept the terms and to agree to peace. And, again, on the 4th of May, Mr. Mandeville informs Lord Palmerston, that the Sultan had conceded the administration of the *Pashalic* of *Adana* to Ibrahim, in addition to the government of Syria, which completed the requests of Mohamed Ali. I also hold in my hand the annual official list published by the Sultan, on the 15th April in that year, of the governors of the several provinces of the Turkish Empire, and in that list Egypt, Aleppo, Damascus, Safad and Beyrout, Tripoli in Syria, Crete with the military command of the fortress of Candia, and also Jerusalem, are all entered in the name of Mohamed Ali; and Abyssinia is given to Ibrahim Pasha. On these conditions being agreed to and settled, Ibrahim Pasha informed Monsieur de Varenne, in answer to a question, whether he had any answer to the letter which he had brought from Mr. Mandeville, that his retreat from Kutaya with his army was the best answer to the English Minister's letter, requesting him to agree to the conditions of which Monsieur de Varenne was the bearer. He held in his hand Admiral Roussin's letter to Mohamed Ali, afterwards stating these facts in a manner not to be misunderstood. The Sultan had in 1833 refused, for some time, to grant Adana to Mohamed Ali, and it is also well known, that when Orloff the Russian ambassador heard that the Sultan had conceded the Pashalic of Adana, by which peace was concluded with the Pasha, he exerted all his influence with the Sultan to have that grant recalled: but, it is equally well known that Lord Ponsonby's interference prevented the Sultan from doing so; and thus gave the sanction of the British Government to these concessions to Mohamed Ali: and the noble Lord must know from the correspondence at that time and now in his office, that what I state is correct; and that Lord Ponsonby claimed and deserved from his Lordship joint credit for that part of his conduct. After these proceedings, on which Mohamed Ali placed perfect confidence, and by which the British Government was bound, why should it now refuse its sanction a second time? He should also be glad to know why, in the interval between 1833 and 1838, if we were really desirous to see peace in Turkey, the conduct of the British Government, and of her ambassador at Constantinople, had been such as to promote rather than allay the animosity and disposition to hostilities that remained on the part of the Sultan towards Mohamed Ali. It is generally stated that our ambassador at Constantinople, instead of exerting himself to lessen the unpleasant differences that existed between the Porte and the Pacha of Egypt, had acted in such a manner as, in the opinion of many well-informed persons, was calculated to bring on open hostilities; and Lord Ponsonby was considered to have been, by his personal hostility to the Pacha, the cause of that state of affairs which brought on the defeat of the Sultan's troops at Nezib, on the 25th of June 1839; and which had produced the present disastrous state of things in the East. Acting, as is believed, mainly upon the advice of the British ambassador, the Sultan had become the aggressor—had, contrary to the existing Convention of 1833, passed beyond the bounds of his own frontier, and invaded the territory of Mohamed Ali. If the correspondence he now called for were produced, he (Mr. Hume) could satisfy the House from documents, extracts of which he held in his hand, that whilst Mohamed Ali was absent in Soudon from Nov. 1838 to March 1839, the Sultan sent a large army into Asia Minor, under the command of Hafiz Pacha, who, in April 1839, passed the Euphrates at Beer with his army; whilst Ibrahim Pacha did not advance his army until that event:—that on the 28th of May, Hafiz Pacha took possession of fourteen villages in the province of Aintab, belonging to Mohamed Ali, urging the inhabitants to take arms against the Pacha, and thus commenced hostilities, which terminated so disastrously for the Sultan's troops. It would also clearly appear that the English minister had urged on and excited the animosity of the Sultan against the Pacha, until, at length, the lamentable catastrophe he has stated took place. He (Mr. Hume) regretted to say, that Lord Ponsonby appeared to have been acting really in accordance with the policy of Russia, which was well known to be hostile to, and against the integrity of the Turkish empire, which we had been avowedly anxious to maintain: and for which we had kept up a large and costly naval armament. In short, what he (Mr. Hume) complained of was, that the Government of this country had all along been, by their erroneous policy, keeping up a state of civil war between the Sultan and the Pacha, and lending itself, most injuriously for the Ottoman empire, to the policy of Russia. It was reported in Constantinople within the last month, that a stipulation had been lately entered into in England between M. Brunow and the noble Lord (Lord Palmerston) that Russia should advance 30 or 40,000 troops into Asia Minor, and that England should send a powerful fleet to Alexandria, for the purpose of coercing Mohamed Ali to submit to the stipulations proposed by England; but as he (Mr. Hume) feared, only to produce a second "untoward event" as at Navarino. This line of conduct was in strict accordance with the policy of Russia, which, acting on a spirit of aggression, desired, beyond everything else, to obtain a footing, by fair means or foul upon the soil of Turkey; and nothing could favour the ultimate views of Russia so effectually as the keeping the Sultan and Mohamed Ali in a state of civil war, in which both their resources of men and money would, as they had been, be completely exhausted, when that country must fall, without a struggle, into the power of Russia. How could the noble Lord blind himself to the real designs of a power which, for the last fifty years, had been unceasingly engaged in extending its own territory at the cost of its weaker neighbours? Yet the noble Lord, abandoning the alliance and friendly co-operation of France, which was valuable in so many respects, chose to unite himself with Russia, the whole of whose policy ran counter to the interests of this country, and of the representative governments of Europe. France had been charged with duplicity in her conduct towards the other four Powers and towards the Porte; but as far as he (Mr. Hume) could learn from the documents published in France and in Egypt, the charge was wholly without foundation. France was sincerely anxious to maintain the integrity of Turkey, and had taken the best means of securing it, by exerting her influence with the Sultan in 1838-9 to prevent his attacking Mohamed Ali, as can clearly be proved; and, then after the defeat of the Sultan's army, France had acted the friendly part, by preventing the destruction of the fleet at Alexandria, which might have been the case, but for the firmness of France in resisting the policy and the orders of the noble Viscount (Viscount Palmerston). He believed that the noble Viscount, instead of exerting the British influence to diminish the personal hostility that had unfortunately existed for some years past between the Porte and Egypt, had materially aggravated it: and his (Mr. Hume's) principal complaint against the noble Lord was this—that after in 1833, having recommended peace, he had interfered to prevent the mutual adjustment of differences between the young Sultan and Mohamed Ali, which would certainly have taken place after the battle of Nezib, if the five powers of Europe had not interfered in a most extraordinary manner to prevent it. It is now notorious, that amongst the first acts of the young Sultan was a proposition sent to Egypt of peace and friendship between himself and Mohamed Ali, to which the latter willingly assented. Mohamed Ali agreed to continue the vassal of the Sultan provided he was secured in the hereditary possession of Egypt, and Syria, provinces which he had held before the battle of Nezib; and he agreed also to pay a greater amount of tribute for those districts than had ever before been paid by any former Pacha when nominally subject to the Porte. Could it be expected that Mohamed Ali after the second victory at Nezib, would relinquish the provinces he had had granted to him after the first battle of Koniah? The Divan acceded to these propositions, and an officer was appointed to proceed from Constantinople on the 29th of July in a steamer to Alexandria to settle a treaty; and in a few days peace would have been restored between the Sultan and the Pacha. But, unhappily, on the 27th of July, a note was presented to the Divan by the representatives of the five great European powers, stating that the Sultan and the Pacha must not presume to settle their own affairs, but that the adjustment of the terms, upon which peace was to be re-established, must be left to the five great powers. He had, in his hand, a letter from a public functionary at Constantinople, which explained what followed the delivery of the note on the 27th of July. The Divan objected to the interference of Christian powers in the affairs of the Porte with her vassal; but as the representatives of the European Governments had interfered and insisted that no peace should be agreed to with Mohamed Ali, except through their mediation, the Divan had very reluctantly stopped their messenger to, and the negotiation with, the Pasha. What was the result? Why, that, from that moment, up to the present time, a period of eight months, everything had remained in the same state. Both parties had been thus kept in a state of suspended war, with all the expenses and great uncertainty arising from that state of affairs—nothing had been done. Under these circumstances, it became a matter of great importance to this House to know what the policy of the Five Powers really was, in which they were in concord and unanimity; and when it was probable that a state of things which entailed so much expense upon England, and imposed so many difficulties upon Turkey and Egypt, was likely to terminate. What hopes could the noble Lord have of making any impression on Egypt by force? Mohamed Ali was thus forced most unwillingly, as he (Mr. Hume) believed, to look to an alliance with France, and to protection from that country; and consequently, of becoming an enemy to this country;—events necessarily to arise from the mistaken policy pursued towards Mohamed Ali by the noble Lord. He was told, indeed, that there was no dependence to be placed on the declarations of, or on any treaty with, Mohamed Ali. Now, for his part, from all experience of the past, he knew of nothing that secured the good faith of one state on another, but that which States considered to be for their mutual interest. Did history ever show any country that felt more for the interests of other states than for its own? Upon this principle they must judge of, and depend upon, Mohamed Ali. He (Mr. Hume) would ask the House to consider what was it his obvious interest to do? Looking at the situation of Syria, Arabia, and of Egypt, it must at once be seen that it was most essential to the interests of Mohamed Ali to have a friendly alliance with England. Looking to the interests of Great Britain in India, as well as in Europe, was it not equally our interest to be in friendly alliance with Mohamed Ali? Instead, therefore, of regarding him with suspicion, he ought to be considered as having a strong interest to be the friend of England, and the faithful vassal, as he was disposed to be, of the Sultan: and, there was every reason to believe, if the treaty between him and the Sultan were guaranteed by England and France, which the Pasha only required to be certain of not being attacked again, in a similar manner to the attack upon him of last year, that Mohamed Ali would observe the stipulated terms. He (Mr. Hume) should be glad to know whether the course which England was now taking to irritate and oppose the Pasha was not calculated to throw him and Egypt into the hands of France? France had evinced a sincere desire to co-oporate with England and to be the friend of Mohamed Ali. She had indeed been his friend, and had declared that England should not burn the Egyptian fleet, nor attack Mohamed Ali, as report states to have been the intention of the noble Lord. France had very wisely prevented this additional calamity to the Ottoman empire, as she was fully justified in doing, in the view she took of strengthening the Ottoman empire by uniting all Mussulmen. Was it, he would ask, a wise or a just policy, that British means should be applied to keep up the civil war with all its evils, which existed between Turkey and Egypt? It was said that Mohamed Ali was treacherous, and had been especially so in the case of the Turkish fleet. Now, in his (Mr. Hume's) opinion, formed on documents believed to be correct and published to Europe, Mohamed Ali knew no more of the treachery of the Turkish fleet or of the intention of its going to Alexandria than he or any other person in the House did until the determination had been come to by the admiral and officers commanding. The fleet was lying at the Dardanelles when the account of the death of the Sultan was received. Thereupon the chief officers of the fleet met and determined to communicate with and to proceed to Mohamed Ali, as they could not go back to Constantinople, where they feared there was treachery; that they would not, in fact, trust the fleet into the hands of those who were believed to be in alliance with, and favoured the interests of Russia. A council, consisting of five of the leading officers of the fleet, are reported to have come to the determination that the only way to save the fleet for the future protection of Turkey, was to go down and deliver it over to Mohamed Ali, the man to whom the Ottomans look as the future saviour of their empire. That course they considered was the only one by which they would be able to assist the new Sultan to regain that power which the Turkish Empire ought to possess. After the council had so resolved, a steamer was despatched to Alexandria to announce the determination of the officers, and the approach of the fleet—and that it is well known was the first notice which Mohamed Ali had of the disaffection of the fleet! But what had Mohamed Ali since done? He had offered to restore the fleet, and to proceed himself in a steamer and do homage to the Sultan at Constantinople, provided he could obtain the settlement of the hereditary possession of Egypt and Syria in his family as was requested by him, and the guarantee of Great Britain and France thereto. For the statements he had ventured to make, he had the authority of public and private documents, which he held in his hand, and his object in now moving for the production of the official documents was, that hon. Members might be able to ascertain how far those statements were correct, and how far the policy of England towards Egypt and Turkey was wise. If the statements made by him were correct, as he (Mr. Hume) believed them to be, then there was great culpability attached to the noble Lord, or to the agents of the British Government in the whole of this affair—there was a courting of Russia and a support of her well-known policy in all our proceedings that was not creditable to this country. Before he sat down, he again called upon the noble Lord seriously to consider what were the probable consequences to be expected to follow from his present hostile policy towards Egypt. What was the situation of English interests in Egypt and in the Red Sea. There England had recently taken possession of the fort of Aden. Now, if Mohamed Ali should become the enemy of this country, and be allied with France, he might take Aden from England, and interfere very prejudiciously with the communications with India, with Persia, and Affghanistan. How, he asked, would it be possible that the fort of Aden could be retained, if we made Mohamed Ali our enemy, unless at an expense to this country, too great to be justified? On the whole, there appeared to him to be a natural alliance between France, England, and Egypt, which it would be equally the interest of all three countries to cultivate. The hon. Gentleman concluded by moving an address to her Majesty,

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* See Parliamentary paper, 1833.

"That she will be graciously pleased to lay before this House such parts of the correspondence between Lord Ponsonby, the British minister at Constantinople, and Lord Viscount Palmerston, her Majesty's Secretary for Foreign Affairs, as relate to the negotiations in the years 1839 and 1840, between the Sultan of the Sublime Porte and Mehemet Ali, for the hereditary possession of Egypt and other provinces claimed by Mehemet Ali, and for the settlement of peace between him and the Sultan; and for the delivery by Mehemet Ali of the Turkish fleet to the Sultan."

Viscount *Palmerston* felt, in the first place, persuaded that his hon. Friend and the House could not suppose that it was possible for him to agree to the motion for the production of these papers, because, if there was any one point more settled than another in the practice of that House, it was, not to call for papers of this kind pending the negotiations to which those papers related. For the same reason, he also presumed that the House would not expect that he should follow his hon. Friend through the long disquisition into which he had entered, with respect to the policy of this country and the other powers of Europe, with regard to the question to which his observations related. His hon. Friend had stated, that he entertained the opinions he had expressed honestly, and from a sincere conviction that they were for the good and the interest of this country. He was the last man in the world to dispute that fact, though most certainly he thought his hon. Friend was entirely mistaken in his views, and was altogether misled in the greater part of the information he had received, while he was sure that his hon. Friend was mistaken in many of his facts. He was also convinced that if his hon. Friend could see things as they were, and if he were in possession of all the various information which was to be obtained upon the subject, his opinions would be entirely different. With regard to the paragraph in the Queen's Speech, that, he thought, required no explanation whatever. It was in that paragraph stated, that the concord of the five great powers had maintained the peace of Europe with regard to the affairs of the East, and it expressed a hope that the same concord would bring those difficult negotiations to a satisfactory and peaceful issue. But his hon. Friend had stated one or two matters which he could not pass without observation. He had again stated that after the battle of Koniah, a convention took place between Ibrahim Pacha and Khosrew Pacha, in which the British representative guaranteed the cession of Syria to Mehemet Ali. No convention was made at Koniah between the two parties, neither was any guarantee given by the British Government on that occasion; but there was a negotiation, which ended, not in the cession of any part of Turkey to Mehemet Ali, but in the appointment of his son Ibrahim to the government of certain provinces in that country. But England was no guarantee to that transaction. His hon. Friend, indeed, seemed to have no objection to using the word guarantee, nor did he object to the British Government becoming a guarantee; but he had asserted that England had given a guarantee where she had not, while he wanted her to become a guarantee, but on the other side of the question. His hon. Friend thought that the British Government and Lord Ponsonby, the British Ambassador at Constantinople, had stimulated the Sultan to renew hostilities against the Pacha of Egypt. He (Lord Palmerston) could assure him that he was entirely mistaken. In the first place, it was the Pacha who was the aggressor, and not the Sultan, inasmuch as it was the Pacha who, in the first instance, publicly declared his determination to throw off his allegiance, and make himself the independent sovereign of the provinces over which he was appointed to govern. In the next place, the Pacha of Egypt was the first who last year sent an army into Syria, and the battle which was fought between the two parties was fought at Nezib, beyond the limits of the territory of which the Pacha was governor, which limits ended near the river Sadjour. The force under Ibrahim Pacha was the attacking party; the soldiers of the Sultan having at that moment been ordered to stand upon the defensive, and retire if they were attacked. Therefore, the Sultan was the attacked instead of being the attacking party. His hon. Friend had said, that if Russia could have had a person who was exclusively devoted to her interests in the British cabinet, he could not have served her more sincerely than he (Viscount Palmerston) had unconsciously done; that he had been labouring to destroy the Turkish empire, and put an end to its integrity, and subject such portion of it as would remain under the nominal sway of the Sultan entirely to the views of Russia. Now, he was bound to say, in justice and in candour, that it was impossible for any government to have acted with more honour and good faith in any matter than the Russian government had acted with the other powers in respect to Turkey. He was bound to say this, from a thorough knowledge of all the facts of the case. They could only judge of the intention from the conduct; and, speaking of Russia at the present time he must say that it was not just to impute to that power that her present conduct had any tendency whatever inimical to the integrity of the Turkish Empire. But if Russia really did entertain any such views, it appeared to him that the course which his hon. Friend had taken was the readiest course to further that policy; because the policy which he would pursue led immediately to the dismemberment of the Turkish Empire, and would lay all that remained to the Sultan, prostrate at the foot of Russia, or any other power that might wish to overcome him. With the best intentions, his hon. Friend would pursue a course that, if adopted, must inevitably end in a manner the most opposite to his wishes. What would any man say, supposing he were to argue that the best way for maintaining the integrity of the British Empire would be to make the Lord-lieutenant of Ireland a separate hereditary sovereign over Ireland and Scotland; and then were to tell the House that by that means they would more firmly unite the population of the British islands: and that the best friends of the British Empire therefore could do nothing better to maintain the integrity of Great Britain than to divide it between two independent sovereigns? And yet that was the policy which his hon. Friend wished to pursue. His hon. Friend had stated that in former days, when he happened to be in Egypt, great perils existed in travelling there;—that travelling was very insecure;—that in fact the whole of the Turkish Empire was in a state of comparative anarchy: whereas, at the present day there was every security afforded to travellers throughout that part of the world. It was perfectly true, that in Egypt, and indeed in every other part of the Turkish Empire, things in that respect were greatly changed. Now, persons might travel, not only through Egypt, but through Syria, Asia Minor, and Turkey in Europe with perfect safety, without risking any of those dangers to which, in former times, every person was exposed. At the same time he could not see how the internal improvement of the police in Egypt told either one way or the other on a great political question, namely, whether it was for the interest of this country or not to maintain the integrity of the Turkish Empire. His hon. Friend had further stated, that there were papers published in this country which he imagined to be influenced by considerations proceeding from Russia. He did not know what the papers might be which his hon. Friend alluded to, but he would ask his hon. Friend whether he thought there were any papers or individuals in this country who were swayed in their opinions upon this question by considerations coming from Mehemet Ali? If it were found that there were opinions coming from Egypt similar to those entertained by his hon. Friend, might it not be suggested whether they were not dictated by personal feelings towards the individual, and not by general principles of public policy? His hon. Friend had likewise stated, that he had been informed of certain circumstances with regard to the going over of the Turkish fleet to Mehemet Ali. Now, he also had received an authentic account of that transaction, but a very different statement from that which had been mentioned by his hon. Friend. His hon. Friend had stated that all the officers of the fleet concurred in going over to the Pacha of Egypt. Now the account he had received was from a person on board the fleet, and his statement was that none of the officers of the fleet knew of the intention of the admiral to go to Alexandria; nor any one on board, except one or two who were about his person; that the admiral sent a steamer as soon as the fleet got out of the Dardanelles to communicate with Mehemet Ali and make arrangements with him; that when the fleet came in sight of the Egyptian fleet at Alexandria, so little did the captains of the ships know of the purpose for which they were taken there, that many of the ships actually prepared for action, thinking they were in sight of an enemy instead of going to join a friend. In point of fact, the whole fleet thought they were, throughout, going to meet an enemy. That account he had from a person who was an eye witness, and upon whose accuracy he could place an entire reliance. He thought, as this account was so very different from the statement made by his noble Friend, that it would be well if in future he were to receive with some distrust statements from others of so opposite a character. His noble Friend was equally mistaken in what he had stated respecting Col. Hodges, our resident consul at Alexandria, having been denied and barred access to the Pacha. So far from this being the fact, on the contrary, accounts had been received very lately from Colonel Hodges, in which he stated that he had recently transacted business with the Pacha and his minister (Boghos Bey), and which was carried on by him personally with the Pacha. He was sure the House would feel that nothing could be so inconvenient as for a person holding the responsible office which he had the honour to hold, to be called upon in this incidental way to discuss matters of the highest importance, and which were matters of negotiation not only on the part of this country with Egypt, but with all the other powers of Europe. Therefore, if he did not enter into this matter, or explain the policy of her Majesty's Government, farther than to say that they still adhered to those opinions which were stated in the speech from the throne; and that it was, in their opinion, for the interests of this country that the independence of the Turkish empire should be maintained—an opinion in which his hon. Friend concurred, though he went to work in a very different manner to give it effect. If he resumed his seat without entering into a detailed statement of the present position of those negotiations, either with France or with Russia, or with Austria, or with Turkey, or with the Pacha of Egypt, he trusted the House would feel that he was only following what he considered to be an imperious duty, and acting from a deep sense of the great public inconvenience that would result from a premature discussion of important matters still in negotiation, and under the responsibility of one acting on the part of her Majesty's Government. But he should be perfectly prepared, when these matters should be brought to a close, let the result be what it might, to defend the course which her Majesty's Government were pursuing. He was convinced that when that time arrived he should be able to state grounds for the course which had been so pursued, which would be satisfactory both to the House and to the country.

Mr. *Fector:* Sir, I cannot allow this discussion to come to a conclusion without offering my thanks to the hon. Member for Kilkenny, for having brought this important subject under the consideration of the House. I have listened attentively to the speech of the noble Lord the Secretary of State for Foreign Affairs, and I must confess that I am by no means satisfied with the explanation which he has given. It appears to me that the noble Lord has introduced into the discussion of his foreign policy a principle of very doubtful expediency. The noble Lord says, whilst negotiations are pending that it is detrimental to the public service to give any information concerning them, and when they are concluded, then he tells us, if we object to their results, that the public faith is pledged that our objections should have been urged before, and he thus takes a very unfair advantage of our forbearance. I should ill discharge a duty, which I owe to a country in which I have received kindness and hospitality from all classes, if I did not express to the House my sense of the weakness of the basis on which the policy of the noble Lord is founded. If the Turkish empire were now in the same state as before the battle of Navarino, then it might be possible to talk of the independence and integrity of the Turkish empire. But now we must look to Alexandria rather than to Constantinople, if we wish to maintain the independence of that empire. When I was in Egypt, I found all the most intelligent persons residing there, both natives and foreigners, agreeing as to the great improvements introduced into the country by Mohammed Ali. Thirty years ago it was impossible to travel in Egypt with any security either to life or to property; but at present, owing to the active and enlightened exertions of the Pacha, travelling in Egypt is as secure as travelling in England. At that period it was unsafe to go from Cairo to Boulac, a distance of not more than two miles; now that road is as safe as any street in London. Formerly the Bedouins were in the habit of making descents upon and pillaging the villages, now Mohammed Ali has converted them into the peaceful guides and carriers of the desert—and had he done nothing else for Egypt, his success in effecting an object which each succeeding government had attempted in vain, would have entitled him to the gratitude of the people of Egypt, and to the admiration of posterity. It has been asserted that Mohammed Ali is the oppressor of his subjects. [*Here Lord Palmerston nodded assent.*] I will tell the noble Lord that the main cause of any distress which may exist in Egypt arises from his own policy. So long as the noble Lord leaves Egypt in its present uncertain condition, the only security of the people of that country for their lives and property depends on the maintenance of a force sufficient to repel invasion. I have it from the lips of his highness the Pacha himself, that no person can be more anxious than he is to diminish the number of his army and navy, and to reduce the burdens which now press heavily on the industry of the country, but that he cannot do so as long as he is exposed to the invasions of an enemy, upon whom the European powers will not allow him to retaliate. The noble Lord has said, that in the late contest the Pacha was the aggressor, but the very reverse was the fact. The Turkish army entered the Egyptian territory, took possession of fourteen villages, whose municipal authorities were changed by the Turkish general before the Pacha resorted to hostilities. I consider that justice and humanity, as well as sound policy, call for an early settlement of this question, on a basis calculated at once to secure our political and commercial interests and the education and permanent improvement of the Egyptian people.

Lord *C. Hamilton* had certainly entertained a hope, that the noble Lord (Palmerston), would have felt it to be incumbent on him to afford the House some information on the important topics touched upon by the hon. Member for Kilkenny, but that hope had been entirely superseded by the manner in which the noble Lord had met the motion of the hon. Member. Nor was even the very slender information which the noble Lord had ventured to offer to the House, at all in accordance with the knowledge of the facts which he (Lord C. Hamilton) had obtained on the spot. It was on record, as far as the diplomatic documents had been made public, that the Sultan, after the disastrous campaign of Hafiz Pacha, had expressed his willingness to concede the claims of Mehemet Ali, and to confirm him in his independent government of Egypt and Syria, when at the very moment that this mode of settlement was being negotiated, the five powers stepped in, and said "No—nothing shall be settled until we are satisfied that it is right and proper;" and up to the hour at which he addressed the House, nothing more had been done in the matter, notwithstanding the noble Lord had professed his satisfaction with the present aspect of affairs at Constantinople. The noble Lord in the very short speech which he had addressed to the House, had taken occasion to deny several of the facts and assertions put forward by the hon. Member for Kilkenny. It was greatly to be desired, and indeed it was very reasonable to expect, that the noble Lord would have specified more particularly what the facts really were, in contradiction to the statement of the hon. Member; for he (Lord C. Hamilton) must really say, that he having been cognizant of many of the occurrences which took place in Egypt during the last year, could vouch for the accuracy of several of the facts advanced by the hon. Member for Kilkenny. He was present, on one occasion, when Mehemet Ali entered upon the topic of the advance of the Turkish army beyond the Euphrates; and he was, upon inquiry, informed by the Viceroy that he had sent the most positive instructions to his son (Ibrahim Pacha), by no means to advance beyond his own territory to meet the Turkish general, nor even to approach the frontier, but, on the contrary, in case Hafiz Pacha should advance into Syria, to withdraw gradually within his own boundaries, until the whole of the Turkish army should be on Syrian ground, and then, and not till then, to repel any attempt at aggression by the most determined resistance. Now it ought to be shown by something more stringent and conclusive, than the vague denial of the noble Viscount opposite, that the facts were not as he had stated; and it was information elucidating this and other disputed points in the proceedings of Mehemet Ali and the Sultan, that the country wanted. The noble Viscount had also alluded to the declaration of independence which Mehemet Ali had expressed it to be his intention to put forth in the course of the last spring, and had cited that as an evidence of the restless and ambitious spirit which animated the Viceroy in all his proceedings towards the Porte. Now, as far as he (Lord C. Hamilton) could understand the motives and intentions of Mehemet Ali, he must assert, that the intimation of the Pacha afforded no such indications as those drawn from it by the noble Viscount; on the contrary, it was *pro tanto* an evidence of the earnest desire entertained by the Viceroy to relieve himself and the countries under his rule from the evils attendant upon the continual state of irritation and exhaustion into which they were thrown, and in which they were kept by the menaces and intrigues of Mahmoud, the late Sultan. Mehemet Ali could not witness the daily increase of the army in Karamania (near his own frontier city of Aleppo), the constant transmission of supplies and of warlike stores to that army, and the ill-disguised preparations in the arsenal at Constantinople, without great irritation and inquietude, and without feeling that his very existence was menaced by these displays. His commerce was also, by these means, kept in a state of feverish weakness; his expenses for the maintenance of a standing army and fleet, to enable him to repel his adversary, were enormous, and were felt as a drain upon the resources of his kingdom, and it was, therefore, in order to put an end to this ruinous state of things, that he had expressed his determination to the consuls at Alexandria, openly to declare his independence of the enemy by whom he was threatened. The proof that his designs extended no further than to secure his own safety, might be found in his extreme moderation after the decisive victory over the Turkish army at Nezib; for though there was not a single soldier to oppose the march of his troops between the spot where the action was fought and Kutaya, still he sent the most positive orders to his son not to advance one foot into the Turkish territory, which order was punctually obeyed; nor had he altered or advanced his pretensions one step beyond the mark at which they stood previous to the encounter of the two armies.

Sir *R. Peel* said, that the noble Viscount opposite had urged in excuse for his unwillingness to produce the information asked for by the hon. Member for Middlesex, that it was quite unusual for any

Government to bring forward any documents during the period that the negotiation to which those documents referred was pending. Now, he certainly did not feel himself authorized to press for the production of papers or information which he was formally assured by a Cabinet Minister could not be laid before Parliament without great inconvenience to the public service; but, he must also observe, that the noble Viscount had not given the House to understand, that such was the case in this instance, nor did he so comprehend the terms in which the noble Viscount had refused to accede to the motion of the hon. Member for Kilkenny. If the noble Viscount would ground his refusal upon that reason he (Sir R. Peel) was convinced, that no House of Commons would, for one instant, contemplate forcing a Minister to produce papers under such circumstances. But now, with all due consideration to the prudent reserve which must necessarily envelope the proceedings of a Government under the circumstances of such a negotiation as that now pending with the five powers, he really did think there was a limit to which such reserve ought to be confined, and that it ought not to be a perennial reserve, but should terminate within some reasonable period of the occurrences to which it related. The negotiation in question might be pending during a very long time, and the House of Commons was, according to this view of ministerial decorum and of expediency, to be precluded from obtaining any official information on the subject, and consequently debarred from exercising any discretion or control over the actions of the Government. Now, he really did think the noble Viscount ought to afford some answer to the inquiries of the hon. Member for Kilkenny. What did the Speech from the Throne, at the commencement of the present Session, say? Why, it says:—

> "The concord which has prevailed amongst the five powers has prevented a renewal of hostilities in the Levant, and I hope, that the same unanimity will bring these important and difficult matters to a final settlement in such a manner as to uphold the integrity and independence of the Ottoman empire, and to give additional security to the peace of Europe."

It was the duty, he thought, of the noble Lord to state now whether there was an approximation towards a settlement of that important matter thus treated in the paragraph which he had read. The intervention of the European powers had prevented war; but had it produced any results approaching towards an approximate termination to the difficulties between the Porte and the Viceroy? If there was, as had been broadly asserted, a difference between three of the negotiating powers and France, upon some important points under discussion, then he must candidly state his fears, that the next Session of Parliament would still find the parties negociating, and, according to the noble Lord's doctrine of ministerial reserve and secrecy, the country would, in the interval, be wholly deprived of all information to be relied on in the matter. The noble Viscount had in his observations referred to the position of Ireland and Scotland towards the British throne, and had attempted to draw a sort of parallel between the state of Turkey, with Egypt and Syria independent of her, and that of Great Britain. Did the noble Viscount, he must ask, mean by that comparison to insinuate that there was in his opinion any similarity between the relation of the Porte and Mehemet Ali, and those of Ireland and Scotland towards the throne? The Lord-lieutenant of Ireland differed in his position from that of Mehemet Ali, in not being an hereditary and independent governor, but, on the contrary, an officer removable at the slightest turn of the balance of power in the Ministry. The noble Viscount had expressed his hopes that the congress of the five powers would be able to maintain the integrity of the Turkish empire; but did the noble Viscount mean to treat Mehemet Ali during the negotiations that were going on, as if he were in the same relative position towards the Porte that the Lord-lieutenant of Ireland held towards her Majesty? He (Sir R. Peel) recollected during his official life many changes of Lord-lieutenants, and some fifteen or sixteen changes of the Irish Secretary since he held that post, whereas the Viceroy of Egypt had maintained himself in his kingdom in direct and open opposition to the efforts and orders of the Sultan, his less than nominal sovereign; and if the noble Viscount persisted in treating with the Viceroy upon that footing, and had given directions to the British Minister at Constantinople to put Mehemet Ali upon the same category with a Lord-lieutenant of Ireland, then he (Sir R. Peel) must confess he was not at all surprised at the differences which were said to exist between France and the other negociating powers.

Now there were four great points of foreign policy which had been pending for some very considerable period, and upon which it was really of importance that the House should possess some information. He considered those four points to be the Levant; Persia, which also was alluded to in the speech from the Throne, and which was in the same position with respect to this country as the Levant; the third point was the north-western boundary question in America, on which the whole of the relations of Great Britain with the United States partly depended; though the negotiations were, and had been for a long time, pending, still in this particular case there was this difference from the other negotiations to which he had referred, that England was indebted to the Americans for all the information she possessed as to its progress. The noble Lord had entered into a sort of pledge that, as the American papers brought the news of what was doing in this matter, he would dole it out to the House; but he was afraid the noble Lord had forgotten his pledge; for since he had last touched on the subject, a fresh batch of newspapers arrived from America, and he hoped the noble Lord would be prepared to afford shortly some further scraps of information. The fourth point to which he referred, was the present state of the relations with China, and in this case he did think, that if the noble Lord's rule with respect to withholding information, pending the settlement of a misunderstanding or of a negotiation had been departed from, and that some intelligence on the state of things had been given to the house in the Session of 1838–9, respecting the condition of trade and the opium question—he must repeat, had this course been pursued, the House would have been enabled to have offered the Government some advice upon the matter, and the situation of affairs in that quarter would have been materially improved. There were instances in which the rule of the noble Lord, that whilst negotiations were pending, no communication ought to pass between the Crown and the House, might with great advantage and safety be departed from, and the instances he had referred to proved his assertion. But if the whole of the correspondence asked for could not be produced, did the noble Viscount mean that no part of it, not even any extracts from it, could be made public. If so, he would adhere to the rule he had laid down, not to press for the production of papers which, in the opinion of Ministers, would be attended with danger or inconvenience; but he must express a hope, that the noble Viscount would think proper to afford some answer to his inquiry, whether there was any approximation towards a final and satisfactory settlement of the dissensions which had recently agitated the Ottoman empire.

Viscount *Palmerston* was understood to decline pledging his official responsibility to the assertion that the production of the papers asked for, would be attended with danger; but the inconvenience and risk which would be consequent upon such a course, were sufficient to induce him to persist in his desire to maintain a cautious reserve upon their contents; nor could any extracts from them, calculated to convey any useful information, be with safety made known. With respect to the approximation of a definitive and satisfactory settlement of the Turco-Egyptian question, that consideration involved points which he was precluded from discussing; but as far as he could answer the inquiry of the right hon. Baronet, he was happy to be able to say, that the negotiations, as far as they had hitherto gone, had been such as to afford satisfaction.

Mr. *Charles Buller* wished to show one inference from the doctrine which the noble Lord had laid down, that whilst he was doing anything the House of Commons should never know what he was about, that it would lead to this inconvenience, that whether the noble Lord was doing anything or nothing, the House would never know what he was about. He would take as an instance the question of the north western boundary. The House and the English public hardly knew anything about it, whilst year after year reports were published by the Senates of the United States upon the subject. The public there might be misinformed, or even partially informed, still they were much excited from all the publications, which were urging the public mind there on one side, whilst the English had no information except the driblets of despatches that were published after a fresh arrival from America. Again, on this eastern question, when they found that we had twelve ships of-the line in the Mediterranean, when they were told that there was likely to be an attack, and that one power (France) would take one side, and other powers another, he, for one, wanted to know what was going on, and what they were going to quarrel about. His impression was, that they were going to war against the only civilized Ottoman Prince in the world, and with the man who holds the key of our Indian possessions, to bring him to the condition of a kind of Lord-lieutenant of Ireland to the Sublime Porte. The noble Lord might be all right in what he was doing, but the House ought to know something about it. He did not say, that he should differ from the noble Lord when he had done, but he would be glad if, from any information he could obtain, he should be able to come to the same conclusion as soon as possible.

Lord *John Russell* said, that there had been so much discussion on the general principle adopted by the House, in respect to information to be sought on foreign affairs, and on the reports which ought to be laid before Parliament and the country, that he must make a few remarks, because, differing little from the right hon. Gentleman as to the general rule, and disagreeing in his assertion that there should be a limit to that rule, he could not agree in this particular instance with that right hon. Gentleman, and still less with the hon. Member for Liskeard. He took the general rule to be, that the House of Commons was not accustomed to press for information, when the Secretary of State for that department said that public inconvenience or danger would arise from the disclosure, and he thought that the determination of the House of Commons in that respect was founded on a wise and enlarged view of public policy. If it were said that negotiations should go on, not between government and government, but between popular assembly and popular assembly, he could only say that no principle could be worse; and he thought that it was the duty of the Secretary of State to ask the House to place that limit for which he had contended. With regard to the production of papers relating to public affairs, he thought that there was not much reason to complain of the noble Lord. Had there been no documents produced with regard to Persia, with regard to China, or with regard to North America? There had been many papers laid before the House relating to those subjects, but they were produced at a time when no inconvenience could result from their publication. But supposing he took another matter, which related to Russia. There was at one time a strong feeling in existence against the proceedings of that power in the East. The British Government received information with regard to those proceedings, or with regard to the proceedings of some persons who were supposed to be the agents of Russia, which it felt itself bound to notice, and it was determined that some steps should be taken in the matter. The manner in which it was deemed most prudent that it should be brought to issue was, that the noble Viscount, the Secretary for Foreign Affairs, should state all that he had heard upon the subject to the Russian authorities, and should ask for a candid and honourable explanation of the circumstances alleged. The despatch was drawn up, but it contained a great deal that, if it had been produced in the House of Commons on the first day of the session, before an answer was obtained, would have been productive of much indignant and angry feeling. The noble Viscount did not bring forward the despatch, but when the papers were compared, when on the one hand the statement of the explanation required appeared, and on the other hand the full and complete explanation appeared, which had been given on the part of Russia, and which consisted of a positive disavowal of the acts which were supposed to have been its agent's, peace was found to have been placed on a more sound basis than that on which it before rested, and no objection any longer existed to the production of the papers. This was one instance; but he would give another, to which his noble Friend had alluded—he meant the question of the eastern boundary in America. Papers were produced two years ago before the senate of America. Their production led to a great deal of discussion and angry declamation against England: but when the accounts reached this country, no discussion was raised in the House of Commons. He had been told that when intelligence was carried back to America that there had been no discussion complaining of the conduct of the United States, it relieved the minds of many, who thought that what had taken place might have led to some recrimination on the part of this House; and he was sure that if, instead of sending despatches, such matters were made the subject of speeches, the danger of disturbing the harmony of countries would be greatly increased. Now, having spoken as to the general rule to be observed, he must say that he had no objection to produce those documents, which were produced before the senate of the United States, though he might find it necessary to add some papers to them, in order to explain some transactions which had been alluded to in them. He would mention an instance, which was not of great consequence, but which would serve to illustrate his observations. Mr. Fox complained, on the part of Great Britain, of certain incursions on the state of Maine, and the answer which the Secretary of State of the United States gave was, that it was very astonishing that that complaint should be made, because an attack had been made on one of the block-houses, in which were some citizens of the United States, which had been led by an officer of militia. The fact was, that one night a sort of a mob of persons went to attack this block-house, and among them was an officer of militia. The Governor, Sir John Harvey, disapproved of the conduct of this person, but the militia officer having expressed his deep regret that he had done anything so contrary to orders, Sir John Harvey wrote a despatch to the Colonial Secretary, saying that he thought it would be sufficient to give him a strong reprimand. He however, thought that that would not be enough, and that the adoption of such a course as that suggested would be to give encouragement either to the American side or to our side to continue the system of warfare which had prevailed; and being of opinion that the dismissal of the officer was necessary, he conveyed the Queen's commands that he should be accordingly dismissed. Now, this would not appear upon the face of the papers which would be, under ordinary circumstances, produced; and perfect justice, therefore, would not be done unless he produced some others besides those asked for. There were two questions; the one was that of the boundary, with respect to which a proposition had been made in the course of the last year. The other was as to the effect of the violation of the agreement which had been made. He did not think that, either on the general question, or on the particular question as to certain transactions, that that union and peace which now prevailed was likely to be interrupted; on the contrary, the governments of the two countries were both too much impressed with the advantages arising from peace to these two great and enlightened countries, and were too well convinced that there was no question with respect to the boundary of the Maine, which might not be satisfactorily settled, if they were both determined, as he believed they both were, to abide by the principles of justice, not to feel that these discussions on the subject, though they might be interrupted at times by the wild and unsettled state of the country, would end in an amicable arrangement. After what had passed in the course of the debate, he did not wish to enter into a discussion on the Eastern question; but he thought that all our acts and negotiations on this subject proceeded, first, on the great principle of wishing to preserve the integrity of the Turkish empire; and secondly, on the representations made by the five powers to the Sultan last summer. On those two points, the five powers were agreed; and if the House thought that the integrity of the Turkish empire should not be an object with England, and that the other four powers, as well as ourselves, were wrong in saying that it was, then we must not interfere, but at present the opinion was the other way. In the case of France the words were strong, that they wished to preserve the integrity of the Turkish empire, and all the powers agreed to the same principle, and signed the declaration to that effect last year. The matter itself was a matter of great difficulty; but so long as the policy of this country remained unchanged, we were bound to maintain the integrity of that empire. Quite sure he was, that the course proposed by the hon. Member for Kilkenny, that we should abandon the Sultan altogether, would be at once saying to Russia, "We do not mean to abide by our policy," or declaring that she remained as the sole protector of Turkey; that Turkey should have no defence from the whole of the powers, but only such as Russia might give her. He was speaking now upon general views of our policy; there were differences of opinion on certain points, but he trusted that no difference existed upon the subject of giving a greater security to the integrity of the Turkish empire.

Mr. *H. G. Knight* spoke to the following effect:—I am not surprised that the noble Lord, the Secretary of State for Foreign Affairs, should have wrapped himself up in his diplomatic mantle; but I regret that the little information which he has condescended to afford, should not be of a nature to remove the anxiety with which the public are beginning to watch the progress of the Eastern question. The only point upon which any great stress appears to be laid, is the complete integrity of the Turkish empire. But how is that integrity to be maintained? Not by the Turkish force, for it is confessedly incompetent to measure its strength with the Egyptian. Unfortunately that problem was solved, in the sight of the world, in 1832, at the battle of Koniah. How then is this integrity to be enforced? Are we to believe the accounts which we read in the newspapers? Is it true that a Russian army is to be permitted to descend in Asia Minor? By no other means, I admit, can the object be achieved; but the remedy is worse than the disease. Nothing, in my mind, should be more pertinaciously resisted by those who wish to keep the Sultan on his throne. The presence of a Russian army in Asia Minor would be seen with the greatest anxiety by all who really wish well to our ancient ally, and who desire that Europe should remain at peace. Such an army, once admitted, would not be easily dislodged; and, perhaps, would not return home by the same way that it came. At any rate it would be the beginning of a bad habit. It would familiarise the public mind with a dangerous thing. It might lead hereafter to events which would set all Europe in a flame. The very means to which the Sultan, in his alarm and his helplessness, seems to be willing to fly for protection, might, eventually, lead to the subversion of his throne. And what is it that Mehemet Ali asks? Nothing more than, in fact, he possesses already. Nothing which the Sultan, at least, can now take from him—all he asks is a change of name. Of what importance would it be to this country if the authority which Mehemet Ali possesses for life over Syria and Egypt should be transmitted to his posterity? Would British interests be, in that case, less secure than if those countries reverted to a distant, a feeble, and, perhaps, disputed sway? But it would be of great importance were we to allow Mehemet Ali to feel himself under great obligations, not to England, but to France. I should have thought the noble Lord had had enough of such mistakes. By a similar error, on a former occasion, we gave the advantage to Russia. Are we now going to give the advantage to France? Are we to be outwitted by all the world? The only point upon which it is necessary for this country to insist, is the restoration of the Turkish fleet—that is indispensable—for never did the world behold a more disgraceful transaction. An officer, high in command, deserting the son of his Sovereign, to whom he owed his elevation, deserting him at his utmost need, depriving him of his means of defence, and putting his most powerful armament in the hands of his enemy! It would be unworthy of this country to permit so black an act of treason to be crowned with success. The restoration of the fleet should be insisted upon as a *sine qua non.* With this single exception, I trust that British interference in the affairs of the East, will not go beyond mediation, that we shall show ourselves in that quarter only in the character of a friend, and not as an enemy to either party. The alarming hints which dropped from the noble Lord, have induced me to make these few observations; but, as the noble Lord says, that the production of the papers moved for by the hon. Member for Kilkenny, would be of detriment to the public service, I shall not think of pressing him further on that subject; and, for the present, content myself with expressing the hope, that the noble Lord may be able to steer his bark in safety through the perilous and intricate straits into which he has been drawn, by a current which is now the more irresistible, because it was not resisted at an earlier period.

Mr. *Hume,* in reply, said, that he had refrained from reading the documents which were in his hand, and on which he relied for the statements he had made, lest he should take up too much time of the House. But as the noble Viscount had denied some of the assertions, he (Mr. Hume) had made, and as the noble Lord, the Secretary for the Colonies, had also made some statements which could be refuted, he must be allowed to notice some of them. The noble Lord (Palmerston) had said, that England was no guarantee to the convention of Kutayah, which could not be reconciled with the printed correspondence of the British Minister at Constantinople. He would now read a letter of Admiral Roussin of the 8th of May, 1833, to prove that France was also a party and a guarantee to that convention.

"LETTER ADDRESSED TO HIS HIGHNESS MOHAMED ALI PACHA, BY ADMIRAL ROUSSIN, FRENCH AMBASSADOR, DATED

"*Therapia, May 8th,* 1833.

"Illustrious, magnificent, and magnanimous Prince.

"I feel satisfaction in being one of the first to announce to you the happy conclusion of peace, between the Grand Seignior and your Highness, on conditions equally advantageous and honourable to Egypt.

"Your Highness had already learned that all the Pachalics of Syria had been conceded to you, in consequence of the mission with which I charged M. le Baron Varenne to your illustrious son. The point of Adana remained in dispute, and I will not dissimulate that the abandonment of that position by the Ottoman empire has experienced much resistance; the munificence of the Grand Seignior has made it disappear, and Adana is a gift of his goodness.

"The peace so much desired by the friends of Egypt, and the Ottoman empire, is therefore concluded, to the regret of their enemies who wished to profit by the war in order to gratify their ambition.

"Your Highness will be just enough to recognise to which side France has constantly been inclined; attentive to the events of the East, she has felt that the immediate termination of war between the Mussulmans was the condition of their safety. She has desired this peace, sincerely and ardently. Such was the object of the steps taken by me on the 23rd of February, in proposing terms, which circumstances rendered at that time suitable; and which your Highness from principle might have adopted, fully persuaded that France would not have withheld her endeavours to ameliorate them.

"Your adhesion, at that time, would have prevented the aggravation of actual events. May Heaven dispel the danger with which they menace.

"Notwithstanding the just dissatisfaction felt by France, she has followed the enlightened and generous views that direct her.

"What is passing* in the Bosphorus, has convinced her of the necessity of strengthening Egypt still more, she has obtained for Egypt the whole of Syria, and can say that in that, she has done for your Highness more than any other power.

"Such have been the fruits of three months' uninterrupted efforts, the results of which will testify whether the interest of France has been wanting to your Highness, and if the unfavourable impressions attributed to her ambassador, have been justified.

"You could not have believed it, magnificent Seignior; but I am happy to be able to prove to you that they had no foundation, and that in all that has passed, general interests alone have regulated my conduct.

"I beg your Highness to accept, &c.

"Roussin."

To shew that Colonel Campbell, the British Consul at Alexandria, considered that England was a guarantee, he (Mr. Hume) would read one paragraph from a letter† dated Alexandria, the 12th of July, 1838, addressed to Viscount Palmerston.—In a conference with Mohamed Ali, Colonel Campbell says,

"I replied to him, that I thought he ought to remain contented with the *status quo*, as settled at Kutayah, and trust to the great powers for any arrangement for the future."

And it appears by other parts of Colonel Campbell's correspondence, that the *status quo* was what had been agreed to in 1833, and which Lord Ponsonby not only used his influence to have settled, but pledged the British Government to support; and it will be proved, if the papers be produced, that his Lordship claimed and obtained as I have before stated, great credit for what he had done at that time. The noble Lord had also charged the Pacha with having commenced hostilities, although the facts and dates stated by him (Mr. Hume) had not been contradicted. He (Mr. Hume) repeated that the Sultan, urged on, as generally believed, by Lord Ponsonby, collected troops and attacked Syria, whilst Mohamed Ali was in Upper Egypt. That Hafiz Pacha, at the head of the Sultan's army, on the 28th of May 1839 entered the province of Aintab, took fourteen villages belonging to Mohamed Ali, and put arms into the hands of the inhabitants to urge them to rise against the Egyptians. That Ibrahim Pacha, at the head of Mohamed Ali's army, demanded an explanation from Hafiz Pacha, who refused—that, in fact, Hafiz Pacha began on the 23rd of June, the warfare which ended so ruinously to the Sultan's troops on the 25th. The noble Lord was, therefore, in error in the assertion he had made. It is well-known, that Ibrahim Pacha had received orders to stand on the defensive, which he did. The noble Lord also accused Mohamed Ali of treachery in obtaining possession of the Sultan's fleet; but he (Mr. Hume) would read a letter from Alexandria, which explains the cause of the defection of the Turkish fleet, and the reasons why Mohamed Ali demanded the dismissal of Housroff Pacha.

"Whilst the Ottoman fleet was at anchor at the Dardanelles, the Capitan Pacha learnt the death of Sultan Mahmoud the 2nd, the elevation to the throne of his son Abdel Medjit, and the nomination of Housroff Pacha to the post of Grand Vizir with unlimited authority. Immediately after the receipt of this last intelligence at the fleet, the chief officers presented themselves in a body to the admiral and addressed him in the following terms:—'We 'know well Housroff Pacha, and are not igno-'rant of all his past intrigues. Now that he is 'placed at the head of the government, and 'invested with full powers, we shall see the

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* The Russian fleet and army were there.

† See Parliamentary Papers on the Table, 1839.

'Ottoman empire go from bad to worse—we 'will not return to Constantinople to make 'over the fleet to such an intriguer as Housroff 'Pacha, being persuaded that it will be employed to the greatest possible prejudice of 'the Sublime Porte. We entreat you to direct 'your course towards him who is an old and 'devoted servant of our magnificent Sovereign. 'Let us proceed to Mohamed Ali, and entreat 'him to deliver the Mussulman nation from 'the yoke of this minister so fatal to the empire.'—The Capitan Pacha seeing little chance of altering the determination of his officers, and being moreover persuaded of the truth of their statements, gave orders for the fleet to make sail towards Alexandria.

"Before Housroff Pacha had taken up his abode at Constantinople, and had occupied different public situations there, Mohamed Ali lived uninterruptedly in good harmony with his Sovereign, and sought for every opportunity of giving him proofs of his entire devotion, having on many occasions rendered very eminent services to the Sublime Porte. These facts are known to all the world; but from the moment that Housroff Pacha arrived at Constantinople, misunderstandings arose between the Sultan and the Pacha—and it is, in fact, from that period that their enmity commenced—the consequences which have been so disastrous for the Mussulman nation are generally known. In this state of things, Housroff Pacha, availing himself of the great power vested in him by the high functions to which he has been promoted, is proceeding to involve the empire in new dangers, and thus to accomplish its ruin. In order to put an end to his intrigues, and to render his evil propensities less detrimental to the empire, Mohamed Ali determined to adhere to the wishes expressed by the officers of the fleet.

"In soliciting the removal of Housroff Pacha from the direction of public affairs, Mohamed Ali feels convinced that he is working for the adoption of a measure that will be productive of the greatest national utility. This result being once obtained, Constantinopolitans and Egyptians will, thenceforward, form but one body, and will unite their efforts for the consolidation of the Ottoman throne, and for the advancement of its prosperity. It will then be seen, whether Mohamed Ali will or will not give convincing proofs of what has now been advanced."

With respect to the noble Lord's praises of the conduct of Russia, he (Mr. Hume) must leave the House and the public to judge from the general policy and encroachments of that power for the last fifty years without intermission, rather than rely on the noble Lord's opinion. The comparison made by the noble Lord that Mohamed Ali, the conqueror of the Sultan in two great battles, and the possessor of several provinces by the sword, was to be compared with the viceroy of Ireland, was too ridiculous to require further notice than had been taken of it by the right hon. Baronet. The noble Lord, the Secretary to the Colonies, had said, that the policy of the five great powers was to preserve the integrity of Turkey, as they had stated in their joint note of the 27th of July, 1839; and that the policy of England in that respect remained unchanged. He (Mr. Hume) desired to say, that there was no such principle or policy stated in that note to which the noble Lord alluded, and which he would now read—

"*Constantinople, 27th July*, 1839.

"The undersigned have received from their respective Governments, instructions in virtue of which they have the honour to inform the Sublime Porte, that the accord upon the Eastern Question is confirmed among the great powers, and to invite her to suspend all definitive determination without their concurrence, in anticipation of the effect of the interest they feel towards her.

(Signed) "PONSONBY,
Ambassador of England.
"BARON STÜRMER,
Internuncio of Austria.
"ROUSSIN,
Ambassador of France.
"A. BONTENIEFF,
The Minister of Russia.
"COUNT KÖNIGSMARCK,
The Minister of Prussia."

The House would see, that the only thing in that note was a request to the Sultan to suspend settling with Mohamed Ali; and, from that day to this, the suspension of hostilities continued, and no progress to peace, so anxiously desired by both the Sultan and by Mohamed Ali had been made. He (Mr. Hume) was called upon to prove what he had asserted to the House, that peace might have been settled in August 1839, if the British Government and the other powers had not interfered by the presentation of that note, to prevent it; and the British people were burthened to support a large fleet which had been the means of doing all the mischief which had arisen from protracted war, and preparations for new war, for eight months. He (Mr. Hume) would read three letters—the first to show that Mohamed Ali had on the 17th of July, received, in a friendly manner, the proposition sent by the Divan for peace—

"*Reply given by Mohamed Ali on 17th July,* 1839, *to the Representatives of the Five Great Powers on the subject of the communications received from Constantinople, to be by them transmitted to their respective Ambassadors at Constantinople.*

"In two days hence, Akiff Effendi will set out on his return to Constantinople. He will be the bearer of a letter of congratulation and submission on my part to the new Sultan Abdel Medjid. I shall write a letter also to Housroff Pacha, in which I shall represent to him.

"1st. That the late Sultan Mahmoud had some time ago, through Sarim Effendi made to me more advantageous proposals than those which his Highness, now addressed to me; the hereditary succession of Egypt having at that time been offered me, as well as of the Ayalet of Seida, and of the Sandjakat of Tripoli.

"2nd. That under present circumstances, I solicit the hereditary succession of Egypt with that of Syria and Candia, that is to say, of all the territory I now possess, as before notified by me.

"3rd. That on that condition, and by observing good faith towards me, I will be the most faithful of the servants and vassals of his Highness, and will defend him when and against whomsoever he may desire.

"It is in this sense that I propose writing to Constantinople. I shall refrain from any allusion to the fleet in my letter to the Grand Vizir out of delicacy; but I beg you will have the kindness to assure the representatives of the great courts at Constantinople, that I never had any intention to retain it, or to make use of it with any hostile design against the Sultan; on the contrary, I engage finally to restore it as soon as my proposals have been accepted. In that case, all the vessels composing the fleet of the Sultan, to the last, will be sent back to Constantinople; as to the Ottoman Admirals, those who are afraid of returning to Turkey may remain in Egypt, which forms a portion of the same monarchy. As soon as the Sultan shall have acceded to my prayer, and Housroff Pacha shall have been removed from the direction of affairs, I shall without hesitation, at the first invitation of his Highness repair in person to Constantinople; and it will not be with the fleet that I shall proceed thither, but alone on board a steam vessel, and with the sole object of presenting my personal homage to my Sovereign, and for the purpose of tendering my services to him.

"I declare to you, finally, that if my proposals are not accepted, I shall not make war, but maintain my present position and wait."

The letter from Housroff Pacha to Mohamed Ali of the 30th of July 1839, sent by Mouffet Bey, the envoy of Mohamed Ali, proves that the Divan had agreed to the demands of Mohamed Ali; and that a special messenger would have been despatched on the 29th of July to Egypt, to conclude a treaty, if the note of the five great powers had not been presented.

"*Letter of Housroff Pacha to Mohamed Ali, by Mouffet Bey, about* 30*th July*, 1839.

"By the return of Akiff Effendi, I received the reply to the letter which I had the honour to address to your Excellency by that envoy, and have understood its contents, as well as the report of Akiff Effendi, and in particular what passed between your Excellency and him. I have deposed both at the feet of his Highness our august master, who took cognizance of their contents, and I communicated them subsequently to the principal dignitaries of the Sublime Porte assembled in council.

"We are rejoiced to learn that your Excellency, who is an ancient feudatory of the empire, who has rendered more real services to the state than all the others, and who on that account, is become one of the greatest of our colleagues, had evinced the noble determination to make common cause with the most influential and most devoted members of the Mussulman nation, and we pray to God that our mutual prayers for union may be accomplished for the prosperity of the empire.

"In the letter which I had the honour to address to your Excellency by Akiff Effendi, I spoke of the transmission by hereditary succession of the Egyptian provinces only, but that was merely a form adopted for announcing your pardon to your Excellency. Akiff Effendi, moreover, was not charged to treat of any such matters. He was only entrusted with the communication of the most desirable of all intelligence, your restoration to favour; and for that reason, I omitted to give more ample explanations to your Excellency. All the great dignitaries of the Sublime Porte, however, being equally desirous with myself that you should have all the security and all the necessary guarantees, and being ready to unite their efforts with yours for the prosperity of the empire, I had, after obtaining the sanction of his Highness, our august master, given orders to his Excellency Saib Effendi, one of the ministers of the Sublime Porte, to proceed to Egypt for the purpose of concerting with your Excellency respecting the demands which you had presented, the services which you intended to render, and the measures to be adopted under present circumstances.

"This envoy was about to depart on board the steam vessel, when the ambassadors of the five great powers presented to the Sublime Porte a note signed by them of which a translation is enclosed, and the purport of which was to make known that the five great powers had come to an understanding for the discussion and adjustment of the affairs of the East. Immediately after the presentation of that note, the high dignitaries of the Porte again assembled in Council and expressed their opinion that the interference of strangers in a question between Suzerain and Vassal was by no means proper; but, considering that the five great powers had already come to an understanding upon the subject, the refusal of their mediation being contrary to European custom, might cause offence to them and occasion disturbances and difficulties to the Mussulman nation. Looking, therefore, to the general state of things, and reflecting that in consequence of your pardon being granted and plans for a reunion being in progress, the guarantees of foreign concurrence become superfluous, and the intervention or non-intervention of the powers in the settlement of the question of no importance, the great dignitaries assembled at the same time that they put up their prayers that we may never have occasion to appeal to strangers, did not think it advisable under present circumstances to reject the unforeseen demand of the five ambassadors and accordingly gave their consent to it.

"We are desirous, and it is the will of his Highness that you should, in the first instance be informed of what has just taken place; the departure of the envoy has been in consequence suspended. I have taken the liberty to address the present letter to your Excellency by the steam vessel. As soon as your Excellency shall have been made acquainted with its contents as well as with the communication from the ambassadors to the consuls general, I beg you will be pleased to convey to me your sentiments thereon.

(Signed) "HOUSROFF PACHA."

P.S. "It has been arranged that your Chargé d'Affaires at Constantinople, Mouffit Bey, should himself be the bearer of this letter to your Excellency in order to elucidate its contents by *viva voce* explanations. Your Excellency will thus know more fully the real state of things."

The answer of Mohamed Ali, of the 9th of August, to Housroff Pacha, would, he believed, be conclusive with every considerate person, that the five great powers had at that time prevented peace—England taking the lead.

"*Translation from the Turkish Language of the Reply of Mohamed Ali to Housroff Pacha, dated 9th Aug.* 1839.

"I have received the letter which your Excellency was pleased to address to me by Mouffit Bey, my Chargé d'Affaires at Constantinople.

"Your excellency informs me that you had perused the despatch which I had the honour to address to you by the return of Akiff Effendi, together with the report made by that envoy; and that the high dignitaries of the Sublime Porte assembled in council, after receiving communications of my letter and of the report of Akiff Effendi, and in order to give course to my demand as well as to ascertain the nature of the services which I could render to the empire, and to determine what measures it was proper to adopt under present circumstances, had agreed to send to me the minister Saib Effendi by the steam-boat. Meanwhile the ambassadors of the five great powers presented a note to your excellency of which a translation is stated to accompany your despatch, and on the subject of which you add that the consuls general of the five great powers residing at Alexandria would make the necessary communications, which with the verbal reports of my Chargé d'Affaires would assist me in understanding the matters now in agitation.

"The Consuls General have communicated to me the instructions received by them from their respective Ambassadors, and Mouffit Bey has explained to me what he was charged to state.

"My sole desire and object is to make my submission, and to devote all my services to our magnanimous and all powerful Lord and Master. But I have very humbly supplicated his Highness, that in consideration of my quality as an old servant of the empire and out of regard for my past services, he would generously be pleased to grant two prayers which I ventured to address to him. I pray to God that he may continue on the throne till the end of the World, the august person of our Lord and Master.

"When my Chargé d'Affaires received the order to come to me, he was admitted to the distinguished honour of doing homage at the feet of his Highness, who was pleased to say to him, 'Mouffet Bey, make my compliments 'to the Pacha. Tell him that I have acceded to 'the prayer he has addressed to my throne for 'the hereditary government of Egypt and its 'dependencies, and that I have given orders 'to arrange that affair.'

"These benevolent expressions of his Highness have rejoiced my heart inasmuch as they accomplish my most ardent prayer for the hereditary succession, and rank me among the grandees of the empire.

"The high dignitaries of the Sublime Porte, assembled in Council subsequently stated to Mouffet Bey, 'Our august Lord and Master 'has just granted the object of the prayer pre'sented by Mohamed Ali Pacha at the foot of 'the throne, for the hereditary succession to 'Egypt and its dependencies; but in the 'meantime the Ambassadors of the five great 'powers have presented this note of which it 'is necessary that Mohamed Ali should take 'cognizance.'

"In consequence of what has been said and done, I rejoice that one of my prayers has been accomplished, and I perceive that for the moment the other has been neglected. Nevertheless, I trust, that that also will be conceded to me by the high benevolence of his Highness. In this case, I conclude, that it would not be necessary to have recourse to the mediation of the five great powers.

"Your Excellency will further learn my opinion on these affairs from the communications of the Ambassadors after the receipt of the dispatch as addressed to them by their respective Consuls General at Alexandria.

"This is the purport of the letter which I have now the honour to address to your Excellency by my Chargé d'Affaires Mouffit Bey."

The proofs might be multiplied in support of the view he (Mr. Hume) had given to the House of the policy and conduct of

England, and of the other four powers towards Egypt; but he had stated enough to satisfy the House as to the statements he had made, as the grounds for his motion. He was confident that the reports of the Consuls of the five powers at Alexandria, published to all Europe, would bear out all he had stated: and he would only add that, in agreeing to withdraw his motion, in consequence of the declaration of the noble Lord, that it would be injurious to the public service to produce those papers now, he would give notice that in one month or so from this time, he (Mr. Hume) would renew his motion; and then he hoped the House would support him in demanding a full explanation of the policy of the noble Lord (Palmerston) which was maintained at so heavy an expense to England at this time of financial distress.

The motion was then withdrawn.

Glasgow University.] Mr. *Wallace* moved for "a return, in columns, of the names of the professors in the University of Glasgow whose duties are at present performed by assistants, or substitutes, with the names of these; stating the professorship, and duration of the incumbency of each such professor; also the length of time during which the duties of his office, in whole or in part, respectively, have been discharged by an assistant or substitute, with the cause which rendered it necessary to have recourse to such services, and the authority under which any professor was empowered to delegate his duties."

Sir *James Graham,* while he disputed the right of the House to order such a return as that moved for by the hon. Gentleman, would not, on the part of the learned body to which the motion referred, oppose it, as it might appear to arise from a desire on their part to evade inquiry. But he believed that it would be found that those professors of the University of Glasgow, who had given their lectures by deputy, were regius professors, who were compelled by age and sickness to do so, and who were induced to continue to hold their offices, under such circumstances, because no retiring allowances were provided for them.

Motion agreed to.

South Australian Emigration Commission.] Lord *Eliot* then moved "that the South Australian papers (ordered 14th February), be laid before the House forthwith." These papers were now rendered still more necessary from the summary dismissal of the late commission, which had thrown the management of colonial emigration affairs into other hands. Six weeks had elapsed since the papers were moved for, and he thought they could not be accused of precipitancy in urging the immediate production of these papers.

Mr. *Vernon Smith* said, that the delay in the production of the papers had arisen from the circumstances attendant on the change of the commission to which the noble Lord had referred. The Colonial Office, however, had nothing to do with the production of these papers. Such a motion as the present, where papers had been moved for by an address, was most unusual; but if the noble Lord saw nothing unusual or discourteous in it, he would not offer any opposition to the motion.

Mr. *Hutt* was glad that the noble Lord had moved for these papers, but, at the same time, he could, from his own knowledge, state, that the production of them would be attended with very considerable labour.

Lord *G. Somerset* could not understand how the hon. Gentleman, the Under-Secretary for the Colonies, could conceive that his department was not responsible for the returns in question. If the Colonial Office was not responsible, who was? The immediate production of these papers was most important at a time when the Colonial Secretary had turned out one commission and appointed a paid commission in their room. Nor did he see that there was any want of courtesy in calling for the production of papers six weeks after the House had agreed to an address.

Mr. *V. Smith* had been quite unaware that the motion for these papers was intended as an attack on the Colonial Office, for their conduct with regard to the commission.

Mr. *Mackinnon* said, that the late commission would be most desirous that the information sought for should be given.

Mr. *Goulburn* said, that there had been of late a most unreasonable delay in the production of papers moved for and ordered by that House.

Mr. *V. Smith* said, that the apparent delay arose from the fact that many of the papers were not now laid on the Table until they were ready to be delivered to Members generally in a printed form.

Motion agreed to.

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HOUSE OF LORDS,

Monday, March 30, 1840.

MINUTES.] Bill. Read a first time:—Consolidated Fund. Petitions presented. By the Marquess of Westminster, the Earl of Clarendon, the Earl of Ripon, and Lord Holland, from a number of places, for, and by the Dukes of Buckingham, Richmond, and Wellington, the Earls of Winchilsea, St. Vincent, and Ripon, Lords Fitzgerald, Wynford, Redesdale, and Sondes, against, the Total and Immediate Repeal of the Corn-laws.—By the Earl St. Vincent, from Bristol, against any Alteration in the Duties on East and West India Produce.—By the Earl of Ripon, from Liverpool, for Protection to the Church in the Colonies.—By the Duke of Buccleugh, the Marquess of Londonderry, and the Earl of Aberdeen, from a number of places, in favour of Non-Intrusion.

CORN LAWS.] The Earl of *Clarendon* said, it was his duty to call the attention of the House to a petition which was similar to one presented by a noble Lord opposite just now (the Earl of Galloway), in praying for such an alteration in the law as would remove the evils of the present system, and afford a just protection to the agricultural class. It could not be said, that this petition emanated from persons connected with the Chartists or influenced by hard agitators, as had been said of all such petitions on a former evening, by the noble Duke on the cross bench, (the Duke of Richmond.) It was signed by 1,500 persons and upwards, connected with the trade of Liverpool, and representing a capital of thirty millions sterling. No exertion had been made to procure the signatures. No party or personal influence was used, the persons who signed it were of various opinions in politics. Many of them were Conservatives. It was not only in the number and respectability of the signatures that the petition was worthy of attention, but also for its character. The petitioners did not call for a total repeal of the Corn-laws, on the contrary, he desired to have it known that although many of them had a desire to see the Corn-laws totally repealed, yet a greater portion of them did not wish to deprive the agriculturist of a fair protection. They considered the present system injurious to the commerce and industry of the country, and they thought that a fixed duty would give a just protection to the agricultural interest and prevent the uncertainty and difficulty of a supply of corn from abroad in times of emergency. They regarded the evil in a commercial point of view, and connected it with the distress which now prevailed, and which, no doubt, their Lordships regretted as much as any one in the country. The petitioners did not complain of the high rate of wages, nor hold out any expectation that the change would enable them better to contend with their continental rivals by lowering the price of food, but that the existing system rendered the supply of foreign corn uncertain, and produced this effect, that when the high price of corn in this country rendered the importation admissible, and necessary, foreign produce could only be paid for in bullion. The consequence was as happened last year, the Bank contracted their issues, and the manufacturers were obliged to suspend their operations. Distress and confusion followed. On these grounds they recommended some alteration, with a due regard to the rights of the agriculturists.

The Duke of *Richmond* had not said that every petition that was presented was got up by paid agitators. The noble Earl had spoken of the great wealth of the petitioners. He should like to know how they got their wealth, and whether it were not by the protection afforded to the agriculturists. He deprecated setting the agricultural against the manufacturing interests, believing them to be one and the same. The scheme of a fixed duty was one of the wildest ever conceived. He should like to know what Government could dare to execute it. Really, these gentlemen of Liverpool talked so much with one another on the subject, they would give no credit to the opinion of any one else. The agriculturists were the best judges of their own interests. He thought the 400 or 500 petitions presented to-day in favour of the Corn-laws were worth more than that of the noble Earl's. He hoped the farmers would remember the exertions made to agitate the country, and would combine to send petitions to Parliament. If he knew the Scotch farmers, when they heard of these things, they would lose no time in doing so. He looked with the greatest confidence to the House of Commons doing their duty, and saving their Lordships any discussion this year on the subject.

Lord *Ashburton* asked the noble Earl whether he had spoken his own opinions, or those merely of the petitioners. [The Earl of *Clarendon* gave no opinion of his own.] When the noble Earl stated these petitioners considered the present distress arose from the state of the Corn-laws, he asked what the prosperity of the last year, and the year before, arose from, for then it was admitted there was great prosperity, and that was under the present Corn-laws, and, therefore, if the Corn-laws were assailed because of the present manufacturing distress they should have credit given to them for past prosperity. As to the fluctuation of the currency it was not occasioned by the Corn-laws, for that would fluctuate whether there was any duty or not, and nothing could prevent the vicissitudes which depend on the seasons and a variety of causes. He further maintained, and was ready to prove, this country had suffered, and was suffering less, both from the fluctuation of grain and the price of food at the present moment, than from other causes. A permanent duty seemed to him only calculated to bring corn in when we did not want it, and not to assist us in times of distress when we did.

The Earl of *Radnor* was in favour of no duty at all. He wished to allude to a misapprehension on the part of his noble Friend who had just sat down. His noble Friend had said, that we were now suffering great distress, and that that was attributed to the Corn-laws, but that when the country prospered some years ago, that prosperity should equally be attributed to the same laws. His noble Friend had, however, forgotten, that in the years in question, the Corn-laws were not in operation, and that they were, in fact, a dead letter, for home corn was then in abundance.

Lord *Ashburton* begged leave to set himself right with his noble Friend. What he had stated was, that in all countries there must be vicissitudes of prosperity and adversity. His hon. Friend had said that the supplies of corn had been abundant in this country up to a late period. That, however, could only prove the value of the present Corn-laws, as it showed that, under ordinary circumstances, those laws encourage the growth of home corn. He believed that any change in the present system would injure, above all, our industrious artisans.

Petition laid on the table.

MUNICIPAL CORPORATIONS (IRELAND).] Lord *Fitzgerald* presented a petition from the mayor, aldermen, sheriffs, and corporation of the city of Dublin, stating that the petitioners viewed with sorrow and alarm the bill for the reform of the Irish Municipal Corporations, as by that bill their rights and privileges would be transferred to the enemies of England and of Protestantism, and praying for protection. He had thought it right to inform the petitioners that it was his intention to give a similar vote to that which he had given on former occasions for the second reading of that bill; but in justice to the petitioners he was bound to say that, both with reference to their character and the prayer of the petition, it was one which deserved the serious attention of the House.

The Marquess of *Londonderry* could not at all understand the course which his noble Friend took with regard to this measure. He could not see what there would be of dogged consistency, to use the words employed by the noble Lord the other night, or dogged obstinacy in opposing this bill on the second reading. For his own part he thought the noble Lord should have stood by the Irish corporations, and that he should have been the last person to desert them. He regretted that the noble Lord should have declared his intention of voting for the second reading, and raising the question before this bill was on the table, and at a time when noble Lords opposed to it had no opportunity of making any remarks.

Lord *Fitzgerald* said, that he had studiously abstained from using anything like argument. He had raised no question, but he thought it right to state to the petitioners and to the House his intention of voting for the second reading. He thought that the sense in which he had used the words "dogged consistency" was perfectly clear. He meant that successive majorities in the House of Commons having declared in opposition to his views, he should be acting with dogged consistency if he did not defer to those majorities. Besides, that House had now sent down three bills admitting this same principle, every one of those being in accordance with the course which he was now disposed to hold.

The Marquess of *Londonderry* said, that the noble Lord must admit, that the state of Ireland now was very different from what it was when this Bill last came before that House. He must say that he did not think that his country would be satisfied with the noble Lord for abandoning his own opinion on a matter of such importance in deference to those of other parties.

Petition laid on the table.

CHURCH OF SCOTLAND.] The Earl of *Aberdeen* wished to call the attention of the noble Viscount and of the House to the subject of the Church of Scotland. About eight months ago the noble Viscount had assured a deputation from Scotland that the Government had taken the subject into its serious consideration, with the view of applying a remedy. Two months ago, after Parliament had met, when he had put a question to the noble Viscount, the answer which he received was that probably some legislative measure would be necessary, but he could not say of what description. On that question being repeated, the noble Viscount had said, that he could not make up his mind whether any legislative measure should be introduced or not. Now, he could understand that the noble Viscount might make up his mind to do nothing, or that he might not have any measure on the subject prepared, in consequence of the difficulties which surrounded it; but not to be prepared to say whether he would do something or do nothing, was that proper?—was it decent?—was it honest? Was this a government? The peace of the country, as well as the state of its most important institutions, were involved in the settlement of this question. An answer of some description their Lordships and the country had a right to expect, and he hoped that the noble Viscount remained no longer in doubt whether he would do anything or nothing. He urged this matter now, because he believed that by this time the noble Viscount might have come to some conclusion. He had at all events reason to suppose that the noble Viscount had abandoned his first intention; and he should be glad if the noble Viscount would inform the House to what determination he had come.

Viscount *Melbourne* said, notwithstanding the declaration of the noble Lord, I can say no more on this subject now than I have already said—that I am not prepared to say when the Government will bring in a measure on this subject, or whether they will bring one in at any time. I perfectly admit the importance of the case. I perfectly and entirely admit its difficulty; but I should ill discharge my duty if I were to allow myself to be urged by the tone and the taunts of the noble Lord into taking any steps in a matter upon which I could not see my way clearly before me. I have had experience enough of the evil consequences of a Government undertaking to bring in a measure on a subject before they had settled what measure it was proper that they should bring in. The noble Lord calls on me to say whether the Government will propose anything to Parliament on the subject; and I say, that taking into consideration the great difficulties of the case, and the vast differences of opinion which prevail; seeing that no two men, or two bodies of men, appear to be agreed as to the course which we ought to take; and looking also to the advice which the noble Lord himself has given us, by no means to be precipitate in any proposition which we might make, I am not prepared at present to pledge the Government to introduce any measure on this subject. This is a matter of great importance, a serious difference of opinion between the supreme Court of Law on the one hand, and the Supreme Ecclesiastical Assembly on the other, carried on—I will not say with very great violence—a contest in which both of them, I will not say, though others do, have exceeded their powers—but in which each has carried the powers which it possesses to the utmost extent; and those who are engaged in this manner—point to point, neither of them being prepared to give way, neither being prepared or offering to concede anything to the other—turn round upon us and say to the Government, a third party, "Now settle this matter in a way that will be satisfactory to both of us." Is that an easy task to be cast upon a Government? Much as I feel the evils of delay, much as I feel the evils of agitation and discord, I answer the noble Lord, who says, "bring in a measure and allay the discord," by reminding him that a measure will not always allay discord; it may, on the contrary, inflame it. If it could be entirely satisfactory to both parties, then such a result might be expected; but any measure which might be introduced would, in all probability, be more satisfactory to one than the other; and I cannot therefore anticipate the healing and composing effect which the noble Lord expects from a bill on this subject; and certainly, under all the circumstances, I cannot, consistently with my duty, pledge the Government to the introduction of any measure.

The Earl of *Aberdeen* had heard the declaration of the noble Viscount with great regret; it seemed to him to explain the cause of the delay. The noble Viscount was afraid that he could not propose a measure that would be satisfactory to both parties; but did it not occur to the noble Viscount that he had a duty to perform? Was this a mere speculative difference between two bodies? The noble Viscount forgot the state of the country, and forgot also that the question was whether the law was to prevail on one side or the other. In that part of the country with which he was connected, and more than a noble Duke on the cross benches, it was not the fact that both parties, as the noble Viscount said, had carried their powers to the utmost extent. In that part of the country the law remained unexecuted; because if an attempt were made to execute it, there bloodshed would instantly ensue. He knew that many were armed, and ready to resist any attempt to carry it into effect. The law was despised; the decree had been pronounced, but not executed. Was it not, then, the duty of the Government either to alter the law or to ensure its execution? After all this delay the noble Viscount would very likely be precipitate at last; and he did say, that it was abandoning the first duty of a Government not to take some steps to settle a question of this sort. He gave no opinion as to which party was right or wrong; the Government was bound to form its own judgment of what it was necessary and advisable for them to do, without looking to the satisfaction of one party or the other.

The Earl of *Galloway* said, that it seemed as though the Government were merely waiting to see in what way the greatest advantage might accrue to themselves.

Conversation at an end.

DISTURBANCES (IRELAND).] The Earl of *Charleville* rose to state, that he had received intelligence from the county of Limerick with respect to some recent transactions there, which would serve as a comment upon the actual state of that part of the country. It appeared that a body of men, most of whom were armed, to the number of two hundred, had called at a farm of a Mr. Arundell Hill, within eight miles of the city of Limerick, and after inquiring concerning who was on the farm, they proceeded to turn up his meadow land to the extent of eight or nine acres. They concluded by firing about fifty shots in order to testify their triumph, and strike terror into any persons attempting to oppose them. This was followed by subsequent outrage by armed persons, and threats to prevent Mr. Hill's labouring men from replacing or turning down the sods or green turfs, intimating, that if they could catch Mr. Hill, they would serve him in the same way as they had served Dawson, if he refused to give out the land to them as con-acre for sowing potatoes. Now he would assure their Lordships, that this Gentleman, Mr. Hill, was a person bearing an excellent character in the county, and a tenant of his; and the only reason for this outrage was, that, being bound by the terms of his lease under his Lordship not to sub-let without his Lordship's consent, Mr. Hill was prevented from letting the land in the manner required by these persons so congregated together for outrage upon persons and property. He wished to inquire whether these facts had been communicated to the Government, for it was a state of things which ought not to be suffered to exist for a moment under any Government.

The Marquess of *Normanby* replied, that he was not aware officially of these occurrences, but he should make the necessary inquiries respecting the complaints made by the noble Lord.

Subject at an end.

METROPOLITAN POLICE.] On the motion of the Marquess of Normanby their Lordships went into committee upon the Metropolitan Police Amendment Bill. His Lordship said, he should have no objection to the introduction into the bill of so much of the proviso of the bill of last year on this subject as limited the number of magistrates to be appointed in this district to twenty-seven, if the noble and learned Lord did not think that the limitation was sufficiently provided for by the bill of last session.

Lord *Wynford* conceived that as the bill gave new powers to the executive, the limitation of the right to appoint magistrates ought to be introduced into this bill.

The *Lord Chancellor* did not concur in

the opinion of his noble and learned Friend that there was a necessity for the introduction of such a restriction in this bill.

Lord *Wynford* remarked, the Government would, if the clause were amended, be restricted from paying such additional magistrates a salary; and this was the object he considered desirable to attain, for if nothing in the shape of provision for their salaries was made, the appointments would certainly not take place.

The Marquess of *Normanby* said, it was a mistake if the noble and learned Lord conceived that he was prepared to admit that her Majesty's Government were to be restrained by this bill, or the bill of last session, respecting the police force, from appointing magistrates to any districts not comprised within the circuit of the metropolitan district, when it might be considered advisable by the excutive. With this observation he stated he should have no objection to the amendment proposed.

Amendment agreed to.

House resumed. Bill, with the amendments, reported.

HOUSE OF COMMONS,

Monday, *March* 30, 1840.

MINUTES.] Bill. Read a second time:—County Constabulary.

Petitions presented. By Messrs. Williams, Bannerman, Wrightson, Baines, Bousfield, Greg, Thorneley, W. Patten, G. W. Wood, Brotherton, Hodges, Aglionby, Eliot, Hume, Gisborne, White, M. Philips, T. Duncombe, Grote, E. J. Stanley, Warburton, Fox Maule, R. Steuart, Hindley, Alderman Humphery, Lords Howick, Morpeth, Sir G. Grey, Sir G. Strickland, Captain Winnington, and Colonel Salwey, from more than five hundred places, for, and by Messrs. J. Neeld, H. N. Burroughs, Eaton, Heathcote, Fector, W. A'Court, Holmes, Fellows, Bailey, M. Parker, Packe, Sanford, Ainsworth, W. Duncombe, Bethell, Lister, Hodges, Handley, Darby, J. Round, Wodehouse, J. Howard, Sirs C. Burrell, G. Clerk, J. Duke, C. B. Vere, J. H. Smyth, R. Hill, J. Y. Buller, Lords Darlington, C. Manners, Grimston, G. Somerset, Powerscourt, and Henniker, the Earl of Surry, Colonels Sibthorpe, and Gore Langton, and General Lygon, from a still greater number of places, against the Total and Immediate Repeal of the Corn-laws.—By Mr. Lockhart, from one place, for Universal Suffrage, and Vote by Ballot.—By Captain Alsager, from Battle, for Religious Education, and Church Extension.—By Mr. Richards, from Merionethshire, against the Grant to Maynooth College, and for Church Extension.—By Mr. M. Parker, for Protection to the Church in Canada.—By Mr. Muntz, from Glasgow, for Universal Suffrage, and Vote by Ballot.—By Mr. Christopher, from the Dean and Chapter of Lincoln, against the Ecclesiastical Duties and Revenues Bill.—By Lord J. Russell, from Quebec, against the proposed Union, and in favour of the Act of 1791.

CHURCH OF SCOTLAND.] Sir *Robert Peel* said, the noble Lord had stated on a former occasion, that he would take an early opportunity of notifying to the House what course the Government would adopt with a view to the settlement of the existing differences between the Church of Scotland and the courts of law in that country. He trusted the noble Lord was now prepared to state whether the mind of the Government had yet been made up upon the matter, and whether any measure upon the subject would be proposed.

Lord *John Russell* said, that anxious as the Government were to bring forward a measure that would tend to allay the existing disputes between the church and the courts of law, they had come to the conclusion that no measure which would be likely to meet with the consent of Parliament, would be likely, at the same time, to put an end to the present state of things, and therefore, in the present excited state of feeling upon the subject, and previous to the meeting of the General Assembly, it was not their intention to propose any measure upon the subject.

Sir *R. Peel:* Was he to infer that the Government had not abandoned altogether the attempt to legislate, so as to put an end to the differences?

Lord *John Russell* said, he thought he could state that the Government generally were in favour of attempting legislation on the subject; and therefore, if the General Assembly did not succed in putting the matters in dispute upon a more satisfactory footing, they would very likely make some attempts towards that object.

Subject dropped.

CANADA—CLERGY RESERVES.] Mr. *Pakington* wished to know whether the Colonial Legislature of Upper Canada had the power, under the Act of Parliament, to make allotments of the reserved lands, and whether, if they had, it was competent to them to apply those reserves to any other than the purposes of the Established Church?

Lord *J. Russell* replied, that he could entertain no doubt as to the power of the Legislature of Upper Canada. This was not his opinion alone, but that conveyed in a despatch written by the Earl of Ripon to the Governor-general, and to which directions were given, that the clergy reserves should be sold, and added to the Crown revenues, to make certain provisions, both for the ministers of the Church of England, and of other religions. That despatch was confirmed by Lord Aberdeen. He again repeated, that he had never any doubt on this subject, and he could not conceive how any one reading the act could entertain a reasonable doubt regarding it.

Mr. *Goulburn* wished to know whether the Earl of Ripon, when he expressed the opinion alluded to, had had the benefit of the advice of the law advisers of the Crown.

Lord *John Russell* was not aware that he had.

CANADA—INCOMES OF BISHOPS.] Mr. *Pakington* asked whether, as the Clergy Reserves Bill was limited to Upper Canada, the noble Lord had any measure in contemplation by which he could relieve the Bishop of Montreal from those pluralities which that right rev. Prelate was now compelled to hold; and in the event of the death of the present Bishop of Montreal, he wished to know in what manner the noble Lord proposed to provide for the future support of the Protestant bishopric of Lower Canada? He also inquired whether the noble Lord was aware that the Bishop of Toronto had been obliged, in consequence of his appointment to that bishopric, to relinquish the office he held of President of the College of Toronto, and had thus been deprived of above one-fourth part of his income? Did not Dr. Strachan, previous to his acceptance of the bishopric, distinctly stipulate that his income should continue what it then was, until some permanent arrangement could be effected? and did the noble Lord intend in any manner to compensate the Bishop of Toronto, for so cruel and unjust a diminution of his means, at a moment when he was of necessity obliged to incur greatly increased expenses?

Lord *John Russell* said, that the Bishop of Toronto received, as Archdeacon of York 300*l.*; as rector of Toronto 533*l.*; as principal of King's College, 250*l.*; total 1,083*l.* Archdeacon Strachan was appointed Bishop of Toronto in 1839, on his own offer to accept the office without any addition to his then emoluments. In the discussions which took place on the Archdeacon's proposal, that Upper Canada should be erected into a separate see, Lord Glenelg consulted the Archbishop of Canterbury, with whom the measure was arranged; and it was distinctly laid down that in assenting to the proposal, her Majesty's Government could not pledge themselves to any extent to provide a salary for the office. When the Bishop was lately in this country, the right rev. Prelate requested him to notify to the Governor, that till some satisfactory arrangement could be made for the support of the see, the bishop would be content to remain with his present income. He was told in answer, that there remained nothing to state to the Lieutenant-governor on this point, that officer being in possession of all the correspondence which passed at the time the bishopric was created. But to remove any misapprehension of the terms of that arrangement, it was added that the colonial office conceived that the agreement to accept the preferment, without any addition to the emoluments received as Archdeacon, did not imply that the emoluments so received were guaranteed by the government. The following was the income of the Bishop of Montreal:—As Bishop of Montreal, 1,000*l.*; as Archdeacon of Quebec, 500*l.*; as rector of ditto, 400*l.*; house rent, 90*l.*; total, 1,990*l.* There was, at present, before the Treasury an arrangement, proposed by the bishop, for the consolidation of the items of which his income is composed. The intention was, to fix the bishop's salary at 1,750*l.*, there being assigned to the bishop's curate, (who would fill the office of Rector of Quebec), a salary of 250*l.* being the stipend which the bishop at present allows him.

Subject at an end.

LUDLOW ELECTION.] Mr. *Aglionby* said, there was a question which he wished to bring before the House, and which he did not think could be allowed to stand over another day, as the committee on the Ludlow Election had been appointed. If the House would permit him, therefore, he would call their attention to the petition, which had been printed that morning with the Votes, and which he had presented on a former occasion from the electors of Ludlow. In the first place, he begged to move, which he believed was the more regular course, that the petition be read by the clerk at the table. [Petition read.] He had thought it his duty to present that petition, and to call the attention of the House to it. When the question was discussed on the 2nd of March, no two of the lawyers who spoke upon it were of the same opinion. It was unfortunate, that on that occasion the House did not take a more decided course, and lay down a rule by which the Committee should be bound. The parties were advised by their counsel that the committee, as at present constituted, was not a legal tribunal; and therefore they petition for leave to bring in a bill to render it legal, and to confirm its proceedings. The illegality of the tribunal would not affect only these petitioners. In what situation again, would either party be placed, in cases of perjury committed by witnesses. The contest would be severe, and the temptation to perjury would be great. An oath was not administered to witnesses before that House or its Committees, and if the proceedings were not legal, they could not be prosecuted for false evidence. The question being whether the words were positive or directing—a high legal authority declaring they were positive—if that were so, no act of the House could make the subsequent proceedings regular. The hon. Member moved that leave be given to bring in a bill to legalize the proceedings of the Ludlow Election Committee, and suspend the proceedings in the meantime.

Sir *W. Follett* said, if there were any doubt upon the point, he would support the bill. There was no difference of opinion on the point to be submitted to the House. It was quite clear that the act expressed this, that if, at the close of a session, there should be a petition, the order for which had not been discharged, it should next session be referred to the General Committee — the recognizances entered into, and the petitions in their order referred to the Committee, in the order in which they were presented. This would not refer to a petition to defend a seat: the petitioners having been allowed to defend the seat, stood in the situation of the sitting Member. There was not the slightest danger of the procedings being so utterly irregular, that indictments for false evidence would not be sustained.

Sir *R. Peel* referred to the sixtieth clause, in which he considered every doubt was obviated as to the regularity of the proceedings.

Mr. *Aglionby* said, if the House were clear on the point, probably the parties would be satisfied. He hoped the House would so far sanction the proceedings as to put it on the journals that they had negatived the introduction of the Bill, in the belief that no doubt existed.

Motion negatived.

Lord Seaton's Annuity.] Lord *J. Russell* moved the order of the day for the House to go into a committee to consider the Queen's message relative to Lord Seaton.

House in Committee.

Her Majesty's message read.

Lord *J. Russell* said, that although he could not doubt that the House would comply with her Majesty's message on this occasion, yet he thought it was due to the distinguished person on the part of whom he was about to move a resolution, to state, at least, some of the services which it had been Lord Seaton's fortune to perform for the benefit of his country. Lord Seaton entered the army in the year 1794. He joined the 20th regiment as lieutenant in 1796. In the years 1798 and 1799, he served with the armies under Sir Ralph Abercrombie and his Royal Highness the Duke of York; he was engaged in general actions all through the war. When in Egypt he took part in the operations before Alexandria, after which he was stationed for some time at Malta. He then became military secretary to the general commanding in chief, and obtained a majority. Afterwards, having succeeded as military secretary to Sir John Moore, he was made lieutenant-colonel and military secretary to Sir John Moore; he entered Spain with him, and he was present there throughout the war. Having expressed a strong desire to revisit the Peninsula, he again proceeded thither with Sir Arthur Wellesley. In this situation he was present at the battle of Busaco, and after having filled various other situations, he rose to the command of the 52nd, the most distinguished regiment in the light division. At the head of this regiment he was in various engagements, and among others in the battle of Albuera. He was afterwards at Ciudad Rodrigo. After some absence he returned to the army in 1813, and was present at Orthes and Toulouse. Lord Seaton was also present at the battle of Waterloo. Thus the noble Lord had been in the principal military events that had occurred from the year 1796 down to 1815, taking part in all the dangers, fatigues, and privations of our gallant army in various quarters, and inferior to none of the officers in gallantry and skill. Since that time Lord Seaton had been employed in various situations in the colonial service. In 1828 he went out as Lieutenant Governor of Upper Canada, and afterwards took the command as Commander-in-chief of all the troops in Canada. Afterwards, during the troubles in Canada, he became the principle person on whom rested the whole weight and responsibility of preserving the provinces in their allegiance to this country. When the traitors appeared in arms Lord Seaton showed the same courage and firmness which he had displayed against the foreign enemies of England, joined to remarkable humanity and gentleness of disposition. The giving of the chief authority to Sir J. Colborne was a consequence of the retirement of Lord Gosford, when he thought that to conciliate the adverse party wes hopeless, and that it would be useless for him to stay longer. It happened, likewise, that when another noble Lord thought he could not remain in that Government with advantage to the interest of the Crown, the management of affairs again devolved on this distinguished officer. Nothing was farther from his intentions than to undertake these duties. It was then ten years that he had been absent in Canada, after a long war; he was anxious, therefore, to return home; but as it was the wish of Lord Durham and of the Home Government that he should be called to the command, he stayed and put down successfully all attempts at insurrection, and remained until the Government thought that conciliatory measures might be adopted, and that an union of the provinces should be tried. He did not wish, after having been Governor-general, to return to the situation of Lieutenant-governor; and he thought that he had a fair right to some recompense. After Lord Seaton had performed these services during a period of forty-five years, the House of Commons, he thought, must be anxious to meet her Majesty's wishes to give Lord Seaton some mark of the royal favour. He need not enter further into a description of his conduct; a simple reference to facts without any description of events was enough to prove to the House that Lord Seaton's claims upon the gratitude of the House were well founded. The noble Lord then moved that an annual sum of 2,000*l.* be granted to her Majesty out of the consolidated fund of Great Britain and Ireland, the said annual sum to be payable from the 23rd of March last, to be secured in the most beneficial manner for the use of Lieutenant-general Lord Seaton, and the two next surviving heirs male of the body of the said Lord Seaton.

Sir *R. Peel* had great pleasure in seconding the proposal of the noble Lord. He entirely agreed with the noble Lord that the simple record of the services performed by Lord Seaton—the simple mention of the fact that he had been for forty-five years in the service of his country, taking an honourable and distinguished share in the most glorious events of that important era—was sufficient. It was, moreover, impossible to add anything to the simple eloquence with which the noble Lord had pronounced a well-deserved eulogium upon that distinguished officer. The distinction conferred upon Sir John Colborne was a tribute not only to himself, but to the character of the British army, that it should be able to exhibit brilliant examples of individuals who had passed their lives in military duties, and yet had learned no lesson incompatible with the strict, humane, and wise fulfilment of their civil duties. The noble Lord opposite had alluded to one part of the civil services of Sir John Colborne; but there was another portion of his civil services to which he could refer from personal knowledge, and to which, as the noble Lord had omitted it, he (Sir R. Peel) felt bound to allude. When Sir John Colborne, now Lord Seaton, was Lieutenant-governor of the island of Guernsey he had had, as Secretary of State, some correspondence with Sir John Colborne, and the universal satisfaction which followed the discharge of his duty as Lieutenant-governor, and the general testimony which was borne to the discretion, and temperance, and humanity which he had then displayed, all had led him to believe that if Sir John Colborne should ever again be called upon to act in a more extended sphere, in a similar position, that he would equally distinguish himself. He would not take up the time of the House by dwelling upon the present topic, but following the example of the noble Lord opposite, would conclude by saying, that it should be one of the greatest sources of satisfaction to the House of

Lords and the House of Commons of this country that they could pay to distinguished public services the highest rewards that could be paid to them, in the expression of a nation's gratitude.

Mr. *Hume* said, the noble Lord had spoken of forty-five years of service rendered by Lord Seaton, and the right hon. baronet had pronounced it impossible to add anything to the just eulogium of the noble lord. He (Mr. Hume), however, would wish particularly to consider the last four or five years of service performed by Lord Seaton. He thought that her Majesty, unless Lord Seaton had a fortune to support his rank, would have done well in not creating him a peer. All such creations were improper; they only tended to raise up a class of persons who in a short time would become burdens upon the state. There were enough of them already. He, therefore, hoped that Lord Seaton had an ample fortune to maintain his dignity; and then the question arose whether that fortune, with a peerage, was not amply sufficient without a grant of the public money. He differed entirely from the noble lord, as to the services rendered by Sir John Colborne. True the noble lord had stated the prior services of that officer, but the noble lord forget to mention that he was removed as unfit to fulfil the duties of Governor of Upper Canada. Let the noble lord produce the correspondence now in the Foreign-office, proving the complete incompetence of Sir John Colborne to conduct the government of that province. He (Mr. Hume) would ask the noble Lord if he was not aware that that was the case? The noble Lord had not been long connected with the Colonial-office, but he was one of the Ministers who concurred in the recal of Sir John Colborne. Instead of being recalled, however, he returned to Lower Canada, where he was appointed Commander of the Forces. He, therefore, took it for granted, that the pension was not to be granted to Lord Seaton on account of services rendered on an occasion when her Majesty's Ministers thought fit to remove him for incompetency. The question for the House to consider was, what had been the conduct of Lord Seaton during the time he was commander-in-chief of Lower Canada. He considered that the rebellion in that province was attributable to the conduct of Lord Seaton, and he would further say, that he differed entirely from the noble Lord, in the eulogy he had pronounced upon Sir J. Colborne, for he thought there had been an entire want of policy, judgment, and forethought on the part of that officer. What would have been the consequence in Ireland, if the lord-lieutenant of the day had issued orders to arrest some forty or fifty of the leading men of that country, without any charge made against them? Why there would have been an instant outbreak. It was the conduct of Sir John Colborne that had produced the outbreak in Canada; he it was who sanctioned the issuing of warrants against fifty or sixty individuals—of which proceeding no explanation had ever been given, although he had moved for a return of the grounds upon which it had been taken. He knew also, that a party of yeomanry, called volunteers, had gone out to arrest two magistrates—men highly beloved and respected in their district—and had placed them in open carts, and carried them round the villages, for the purpose of exposing and disgracing them. That measure led to the outbreak. So far, therefore, from rewarding Sir J. Colborne, he ought to have been removed from his situation as unworthy to fulfil its duties. However, he had the support of her Majesty's Government. They had gone on, and a pretty mess they had got into. They had come down to the House to propose a vote that perhaps might amount to 150,000*l.* of the public money, and he would ask if, at this time and in the present position of the country, it was proper to vote away that sum under circumstances, to say the least, so extremely doubtful? He conceived that the manner in which that unfortunate rebellion had been put down—the way in which the villages had been assailed, and the inhabitants butchered, were disgraceful, and without parallel in modern warfare. Was a distinction to be conferred upon Sir John Colborne for acts such as these, placing him on a footing with the most distinguished officers—men without stain or reproach? He never would believe that hon. Gentlemen, if they would look at the whole proceedings that had taken place from the outbreak in Canada, as they appeared in the public despatches laid upon the table of the House, could think Sir J. Colborne entitled to the character that had been given to him as a man of humanity, wisdom, and discretion. He should, therefore, feel it his duty, if any individual of the House would second his motion, to oppose the present grant; and he would be prepared at a future time to place upon record, an account of those proceedings which he thought rendered Lord Seaton unworthy of the honours conferred upon him. He knew nothing of that individual but as a British officer; and on public grounds alone he thought that this grant was ill advised, and ought not to receive the sanction of the House. He should, therefore, oppose it.

Sir *Henry Hardinge* had heard with great regret the very characteristic speech of the hon. Member for Kilkenny; but, at the same time, he was glad to hear that there was some doubt on the mind of the hon. Gentleman as to whether he could induce any one individual in the House to second his amendment. He could very well understand that the hon. Member felt considerable objection towards any reward, either of honour or by a vote of this House towards his (Sir H. Hardinge's) noble and gallant Friend, because, although he was not very intimately acquainted with the affairs of Upper Canada, he had some recollection of a correspondence of the hon. Member for Kilkenny, in which he boasted to the traitor Mackenzie of his hope that the colony would throw off the yoke of the mother country. When he remembered this, and remembered also that Sir John Colborne put down that traitor, he could understand that the hon. Member for Kilkenny had no great sympathy with the conqueror of his Friend. He could say, from his personal knowledge of Lord Seaton, that the British army did not possess an officer who had gone through all the gradations of his profession with greater honour and greater success. Whether he considered Lord Seaton as the commander of the 52d regiment, or as the friend and companion-in-arms of Sir John Moore, or as the commander of the forces in British North America, his career had been distinguished by every military honour and accomplishment. By sheer dint of personal merit he had forced his way to the highest rank and highest honours of the army, and had not only distinguished himself as a military man, but by his kindness and humanity during all the Peninsular war, which made him universally beloved by both officers and men. From personal regard and professional admiration of the merits of Lord Seaton, he (Sir Henry Hardinge) had been induced to express his sense of the services rendered by that distinguished individual to his country; but after the manner in which the noble Lord and right hon. Baronet had spoken, it would be useless for him to add more. He would, however, say that he particularly admired one trait in the character of Lord Seaton, namely, that when he was suspended from his civil command, he cheerfully resumed his military duties, thus separating himself far from all suspicion of selfish consideration, and holding out to the officers of the army the brightest example. He thought the recommendation of Ministers a wise and just one, and until he heard the speech of the hon. Member for Kilkenny he was in hopes that the House, by an unanimous vote, would have evinced their appreciation of the important services of Lord Seaton.

Mr. *W. Williams* rose to second the motion of his hon. Friend, the Member for Kilkenny. He did not think the conduct of Lord Seaton marked either by wisdom or humanity. It was easy to vote away the public money, but not so easy to pay these large sums when voted. At the present time the mass of the population was in the greatest distress and destitution; the expenditure of the country was exceeding the revenue; and the House had not heard from the Chancellor of the Exchequer how he intended to make up the deficiency. Under such circumstances the public money ought not to be voted away without good and sufficient cause, which in this instance he conceived had not been shown.

Sir *H. Vivian* must bear his testimony, in common with his gallant Friend opposite, to the qualities of Lord Seaton. No man was more beloved in the army, nor was there any man on whose humanity he had heard greater encomiums. He was quite certain, that his brother soldiers would receive with gratitude this mark of favour and honour bestowed upon him.

Mr. *Hume* had read the correspondence alluded to by the hon. and gallant Member, and now saw nothing in it to blame. The evils of Canada had arisen from the baneful domination of Downing-street, for it was well-known that the mismanagement of the Colonial-office had led to all the mischiefs which had arisen.

Sir *C. Grey* begged to set the hon. Member for Kilkenny right as to some of his facts. The outbreak to which the hon. Member had alluded had occurred during the time of the Earl of Gosford, and Sir J. Colborne assumed the government at the time the country was under martial law. He concurred in the opinion which had been expressed of the magnanimity and generosity displayed by Sir J. Colborne, now Lord Seaton, in returning from New York to assume the military command after his removal from the Governorship, and he was sure no mark of favour could be more worthily bestowed than that now proposed to that noble and gallant officer.

Mr. *Hawes* admitted the skill, bravery, and humanity, of Sir John Colborne, but thought, that Parliament was too prone to bestow honours upon mere military service. He objected to this, whilst the services of other men who had exerted themselves far more advantageously to the country were left wholly without reward. He objected, too, to the term to which the pension in this instance was to extend; for if he understood the noble Lord correctly, it was to continue for three lives. He should like, however, to be more distinctly informed upon that point. Looking to the services of Sir John Colborne, and comparing them with the services of other distinguished persons, he must say, that there never appeared to him to be a case in which a pension or a peerage limited to a single life could be more properly bestowed.

Lord *John Russell*, in reply to the hon. Member for Lambeth's question, stated, that the pension in this instance was granted upon the precedent of the pensions and peerages bestowed upon Lord Hill, Lord Lynedoch, and other distinguished soldiers in 1814, and would extend to the same term, namely, to two lives beyond that of the present possessor.

The Committee divided:— Ayes 82; Noes 16: Majority 66.

List of the AYES.

A'Court, Captain
Adam, Admiral
Alston, R.
Anson, hon. Colonel
Arbuthnot, hon. H.
Archbold, R.
Baines, E.
Baring, right hn. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blair, J.
Brodie, W. B.
Cavendish, hon. C.
Clay, W.
Clerk, Sir G.
Collier, J. T.
Coote, Sir C. H.
Courtenay, P.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Sir A.
Denison, W. J.
Drummond, H. H.
Follett, Sir W.
Fremantle, Sir T.
French, F.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Handley, H.
Hardinge, rt.hn. SirH.
Herries, rt. hon. J. C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Kemble, H.
Knatchbull, rt. hn. E.
Labouchere, rt. hn. H.
Lincoln, Earl of
Macaulay, rt. hn. T. B.
Mackenzie, T.
Moneypenny, T. G.
Morgan, G. M. R.
Nicholl, J.
O'Brien, W. S.
O'Connell, J.
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Polhill, F.
Price, Sir R.
Pringle, A.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hn. Sir W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sheil, rt. hon. R. L.
Sibthorp, Colonel
Slaney, R. A.
Spencer, hon. F.
Staunton, Sir G. T.
Stock, Dr.
Talbot, J. H.
Teignmouth, Lord
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Wodehouse, E.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.
Stanley, E. J.
Stuart, R.

List of the NOES.

Aglionby, H. A.
Bridgeman, H.
Callaghan, D.
Collins, W.
Fielden, J.
Hall, Sir B.
Hawes, B.
Lister, E. C.
Marsland, H.
Morris, D.
Muntz, G. F.
Philips, M.
Vigors, N. A.
Wakley, T.
Wallace, R.
Wood, B.

TELLERS.
Hume, J.
Williams, W.

Resolution agreed to.
House resumed.

ADMIRALTY COURT — JUDGE'S SALARY.] House in Committee to consider of the salary of the Judge of the High Court of Admiralty.

Mr. *More O'Ferrall* moved a resolution to the effect, "That 4,000*l*. a-year be paid to the Judge of the High Court of Admiralty out of the Consolidated Fund."

Mr. *Hume* observed, that hitherto the salary of the judge, as derived from fees and other emoluments, had rarely exceeded 3,225*l*. a-year. Thinking, in the present embarrassed state of the finances, that all salaries of this description should be diminished rather than increased, he begged to move as an amendment, that the vote in this instance be reduced from 4,000*l.* to 3,000*l.* a-year.

Lord *John Russell* remarked, that, although the salary of the Judge of the Admiralty Court was comparatively low in time of peace, it had generally amounted to 7,000*l.* or 8,000*l.* a-year in time of war. It was now proposed to give him a fixed and uniform salary of 4,000*l.* a-year; and he apprehended, that it would not be possible to obtain a gentleman of sufficient ability to discharge the duties of this important office at a lower rate of pay.

Mr. *W. Williams* was decidedly opposed to the motion. He thought, that the proposition for increasing the judge's salary to 4,000*l.* a-year arose solely from a desire to confer a benefit upon a political partisan. If it was really necessary that the amount of the salary should be increased, why was it not done whilst the present judge's predecessors were sitting upon the bench? Were they less eminent, less capable of discharging the duties of their office—less deserving of an ample reward? No; but they were not politically connected with the Government. He should support the amendment.

Colonel *Sibthorp* was rarely reduced to the necessity of voting with the hon. Member for Kilkenny; but if that hon. Member went to a division in the present instance, he should feel bound to support him. Under the present circumstances, before the production of the budget, before the House knew anything of what new taxes might be imposed; he thought it would be most injudicious to assent to a vote of this nature. No explanation had been given of the grounds upon which the vote was asked; and that was another reason for opposing it. He knew nothing of the secrets of Downing-street. He never went there, nor did he ever look that way; for he hated the sight of the place.

Mr. *More O'Ferrall* observed, that the objections now raised to the vote were merely a repetition of those that were stated last year, when a similar proposition was made to the House. He thought it was obvious that a person of the highest legal attainment could not be induced to accept an office of this nature for a smaller amount of salary than that now proposed. He trusted that the House would not refuse that which was merely a matter of justice.

Mr. *Muntz* had opposed the motion respecting the allowance to Lord Seaton, because it was not a provision for the individual merely, but for his son and his grandson. But, in the present case, there was nothing said about either the son or the grandson of the learned judge of the Admiralty; and as he was of opinion that so eminent a judge ought to be adequately paid, and as he agreed with the noble Lord that it was much better to give him a fixed salary than to allow him one fluctuating on the contingency of peace or war, he should support the present motion.

Dr. *Nicholl* said, that in his humble judgment, considering that the salary was to be a fixed one, during both the time of peace and of war, it was not more than adequate for the services of such a judge. In the case of the judge of the Admiralty Court, it was very true that during a time of peace there was not a great number of heavy cases before the court, but questions of the greatest difficulty did occasionally arise, not merely affecting our internal arrangements, but affecting questions of peace and war.

Mr. *Wallace* was of opinion, that all the judges in this country were overpaid, and this would be adding to the evil. He should therefore support the amendment of the hon. Member for Kilkenny.

The committee divided on the amendment:—Ayes 17; Noes 86: Majority 69.

List of the AYES.

Aglionby, H. A.
Brotherton, J.
Duncombe, T.
Fielden, J.
Grimsditch, T.
Langdale, hon. C.
Lister, E. C.
Marsland, H.
Morris, D.
Philips, M.
Polhill, F.
Salwey, Colonel
Sibthorp Colonel
Turner, W.
Vigors, N.
Wakley, T.
Wallace, R.

TELLERS.

Mr. Hume
Mr. H. Williams

List of the NOES.

Adam, Admiral
Alston, R.
Anson, hon. Col.
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Benett, J.
Bewes, T.
Blake, W. J.
Bridgman, H.
Brodie, W. B.
Buller, C.
Busfeild, W.
Clay, W.
Collier, J.
Coote, Sir C. H.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Denison, W. I.
Evans, G.
Follett, Sir W.
French, F.
Goring, H. D.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hall, Sir B.

Handley, H.
Hawes, B.
Hawkins, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hoskins, K.
Hutton, R.
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Macaulay, rt. hn. T. B.
Mackenzie, T.
Monypenny, T. G.
Muntz, G. F.
Nicholl, J.
O'Connell, J.
O'Ferrall, R. M.
Pakington, J. S.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Ponsonby, C. E. A. C.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Rice, E. R.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Sheil, rt. hn. Sir L.
Slaney, R. A.
Smith, R. V.
Spencer, hon. F.
Staunton, Sir G. T.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sutton, hon. J. H. T.
Talbot, J. H.
Teignmouth, Lord
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vivian, rt. hn. Sir H.
White, A.
Wilde, Mr. Serg.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

Original resolution agreed to.

The *Chancellor of the Exchequer* moved that the fees and emoluments received by the Court of Admiralty should be carried to the account of the fee fund, and be applied in the payment of the salaries of the register and assistant-register, and other officers of the said court, and that the deficiency, if any, should be made up out of the Consolidated fund.

Colonel *Sibthorp* wished to be informed what length of services on the part of the judges and offices of the Court of Admiralty was required to entitle them to a retiring pension?

Mr. *More O'Ferrall* said, the same principle respecting superannuated allowances was applied to the officers of the Admiralty Court as to other officers serving under the Crown.

Resolution agreed to, House resumed, the report to be received.

Public Works, Exchequer Bills.] House again in committee.

The *Chancellor of the Exchequer* stated, that it became necessary for him to ask the House for a further sum to carry on the public works, as sanctioned by the Public Works Act. The sum at the disposal of the commissioners of public works in Ireland was exhausted; and as it was desirable that no delay should take place in the completion of those works, more particularly with respect to the erection of workhouses in Ireland, he took the earliest opportunity of placing further funds at their disposal. The sum required for Ireland would be considerable, and that, of course, made the present motion larger than it otherwise would be. The right hon. Gentleman moved as a resolution, "That her Majesty be enabled to direct Exchequer bills to the amount of 1,200,000*l.* to be issued to the Commissioners of Public Works, to be advanced by them towards the completion of the public works in Ireland, and for the encouragement of fisheries, and the employment of the poor, and that security for the repayment of the same shall be given on the Consolidated Fund."

Mr. *Hume* wished to have an account of what had already been done by the commissioners. He did not understand what was meant by the encouragement of fisheries, and should like to have that explained. He thought that no money ought to be supplied by the public for undertakings for which private capital should be furnished.

The *Chancellor of the Exchequer* said, that if his hon. Friend would move for the information he required, it should be produced.

Mr. *Goulburn* would not offer any opposition to the motion, because Parliament having determined that a certain number of poor-houses should be built in Ireland, it was not competent for the House to refuse the sum necessary for that purpose. With respect to the former advances for public works, he had no hesitation in admitting that those sums had been very beneficially employed, and by no means disadvantageously so as regarded the pecuniary interests of the public. But he was anxious to obtain from the Chancellor of the Exchequer some assurance that this grant would not be adding permanently to the unfunded debt. The funded debt had, through the medium of these advances, been for a number of years gradually increasing, till it arrived at an amount extremely inconvenient indeed. He wished to impress on the right hon. Gentleman the necessity of making some arrangement, by which the money granted for the repayment of these Exchequer bills would be strictly applied to the redemption of the Exchequer bills as they became due, and not appropriated to the general account.

The *Chancellor of the Exchequer* thought the right hon. Gentleman could not be aware of the present course, that was taken with respect to Exchequer bills. During the last three years arrangements had been made by which the money granted for the repayment of Exchequer bills was applied strictly to that purpose. The old practice of raising a loan was by the issue of Exchequer bills; but that practice had been abandoned, and during the period he had mentioned the money had been applied in cancelling the bills as they became due.

Mr. *Williams* asked the Chancellor of the Exchequer, what rate of interest was paid on the bills.

The *Chancellor of the Exchequer* replied, that 2¼*d.* a day was the interest paid, being somewhere about the rate of interest at the present time.

Mr. *Williams* said, that 2¼*d.* a day interest was a higher rate than was at the present time charged by monied men. He saw no reason why a higher rate of interest should be paid on the unfunded debt than on the funded debt.

Mr. *Hume* said, 2¼*d.* a day interest was 3*l.* 16*s.* per cent. per annum, and that was more than the fund realised. The interest on Exchequer bills always used to be lower than the current interest of the money market until the predecessor of the right hon. Gentleman overstocked the market with bills; and he thought the raising of the interest was a clear proof that the right hon. Gentleman himself had a greater number of bills in the market than he ought to have. The present grant would increase the evil. His opinion was, that the interest on Exchequer bills was too high.

The *Chancellor of the Exchequer* was the last person to wish to pay a rate of interest beyond what he thought was right and safe under the circumstances of the case. He admitted, that the interest on Exchequer bills was somewhat higher than the rate of interest on the funds, but he did not think that that difference was so much in consequence of the great number of bills in the market as in consequence of the attempts made to cut down the interest of money to too low a rate.

Mr. *Kemble* suggested, that the time for which the Exchequer bills should run should be shortened, and made payable quarterly. At present many persons objected to take them as security, because they were not readily available for the payment of Government duties, in consequence of the length of time they had to run.

Resolution agreed to. House resumed. The Report was ordered to be received tomorrow.

TOBACCO AND GLASS.] The House again in Committee on the act regulating the excise duties on Tobacco and Glass.

The *Chancellor of the Exchequer* said, that all parties connected with the different branches of the tobacco trade had, by memorial or by petition, applied to the Government for an alteration of the law with respect to the preparation of tobacco. According to the law it was allowable in the preparation of tobacco to mix up water and colouring matter; but while the parties apparently only used those ingredients, they, in fact, threw in a quantity of molasses, which tended to the adulteration of the article. With respect to this point the law was very defective and objectionable to the fair trader, inasmuch as it was ineffectual for the prevention of fraudulent practices by the unfair trader. The Excise-office had used every effort to carry the law into execution, but without effect. It became, therefore, necessary that the Legislature should take one or other of two courses—either that of making the law so stringent as to carry into effect what was the intention of the Legislature, or, on the other hand to adopt the course recommended by the commissioners of Excise inquiry; that of doing away with altogether the system of surveys. After the best consideration he could give to the subject, having called for the opinions of the Commissioners of Customs, and of the Chairman of the Commissioners of Excise, and also in consequence of the recommendation of the commission which had sat upon the Excise duties, it appeared to him, that the case stood thus — that they could not make the law effectual without carrying restrictions to such an extent as to interfere most injuriously with the trade. He felt justified, therefore, in adopting the recommendations of the Commissioners of Excise inquiry, and doing away with those restrictions, which were of no service, except to give an advantage to the unfair over the fair trader. The course he proposed was open to some risks, he admitted, but he hoped the House would pass the resolution which he would propose, and allow him to bring in a bill, which he would read a second time and print, but not proceed further till after Easter, that those interested in the trade might have a full opportunity of considering it. The resolution was, that certain laws which regulated the Excise on the manufacture of tobacco should be repealed, and other regulations substituted for the same.

Mr. *Hume* was satisfied, that this was a good step, but he wished it had gone further. It was because the duty was 1,000 or 1,200 per cent. on the value that smuggling took place; and he was convinced, that if the duty were reduced there would be more revenue.

Lord *G. Somerset* disliked tobacco as much as any one could, but he would draw the especial attention of the right hon. Gentleman to the difficulties attending the removal of tobacco from one part of the country to the other.

The *Chancellor of the Exchequer* replied that some of the restrictions which he was about to remove were the very restrictions of which the noble Lord had heard complaints.—Resolution agreed to.

The *Chancellor of the Exchequer* next referred to the excise duties on glass. During the last year such improvements had been made in the manufacture of broad or smelt glass, that it was now as good as German or sheet glass, and yet it paid but half the duty. Last year his noble Friend (Lord Monteagle) had introduced a bill with a view of defining what was broad glass, and of remedying the discrepancy between the duties, but the experiment had been found a complete failure; for, by a slight alteration, parties continued to manufacture at the lower duty glass quite equal to German sheet glass; and this opened the door to another fraud on the revenue, for there was a drawback on glass exported, and it was difficult to distinguish that which had paid the lower from that which had paid the higher duty. The only mode by which he could meet these difficulties was, to make a slight increase in the rate of duty paid for the broad glass, and he would, therefore, move, that the duty now payable on broad glass be rescinded, and the same duty be payable as on crown or German sheet glass; and that the laws regulating the excise on glass be altered accordingly.

Mr. *Hume* said, that they ought not to raise the duty on that kind of glass which was most in use by the lower classes; they ought rather to reduce the higher rate of duty.

Mr. *Fitzstephen French* remarked, that if these duties were continued it was quite clear that the trade would be lost to this country. Already were we being driven out of the foreign market, and, as he was informed, the German trade had been entirely taken by the Americans.

Resolution agreed to.

House resumed—report to be received.

COUNTY CONSTABULARY.] Mr. *F. Maule* moved the second reading of this bill.

Sir *E. Knatchbull* suggested that both this bill and the bill of the hon. Member for Kent (Mr. L. Hodges) should be sent to a select committee, in order that one good measure might be substituted, and brought forward by the Government.

Mr. *W. Miles* said, that great blame was due to the Government for introducing the bill of last year at so late a period of the Session. Had it been introduced earlier, it would have been scouted. He was sorry to see that some counties had adopted it, but he was happy to say Somersetshire was not of the number. The proposition to adopt it there had been rejected by a large majority of magistrates. It was an Act which the counties of England generally were indisposed to adopt, on account of the heavy expense which it entailed on the rate-payers; and he, therefore, hoped that the Government would act upon the suggestion of the right hon. Gentleman, and bring forward some better and less expensive measure, some measure based upon the ancient constabulary of the country, and more likely to give general satisfaction.

Mr. *Benett* greatly regretted that the bill of last year had been adopted in the county he had the honour to represent, against his opposition to it. Those who had to pay the rates, were at the time wholly ignorant of the nature of it, but were now as much opposed to it as he had been from the commencement, for they found that, although there had not been the slightest increase of crime, the county-rate was actually doubled to support this new, and he must say unconstitutional, kind of army. He admitted that there had been some negligence upon the part of the local constables, and, perhaps, the magistrates; but, at the same time, that might have been remedied by a revision of the old system, without throwing upon the counties this enormous additional expense. Nine-tenths of the crime in the county with which he was connected were in the four principal manufacturing towns. Why, then, he would ask, should the whole expense, consequent on the operation of this measure, be thrown upon the counties? He contended, that in justice, the expense ought to fall upon the general funds of the country.

Mr. *Protheroe* said, that the objections to the Act amongst the magistrates of the county of Gloucester were not so strong as the hon. Member represented them to be in Wiltshire, and it had there been generally adopted.

Mr. *Pakington* felt as anxious as any hon. Member could be, not to embark in expense; nevertheless, he cordially approved of the step taken by her Majesty's Ministers. Looking at the general state of the country—at the increase of crime (the expenses of criminal prosecutions having actually doubled in the county with which he was connected) looking at the alarming increase of vagrancy, which was one of the most fertile causes of the increase of crime, he had no hesitation in expressing an opinion that her Majesty's Ministers were entitled to the thanks of the country for having brought in the bill. He could not see anything in the bill in the slightest degree of an unconstitutional character. It was a satisfaction to him that many English counties had adopted the provisions of the Act. The county with which he was connected was one. It was as much approved of by the rate payers as by any other portion of the community. The bill would be the cause of very great and very extensive saving. In England there were no less than 500 associations for the suppression of crime. They were supported at a very great charge, and whilst county-rates would be increased, voluntary contributions would be diminished. The ultimate effects of the bill must be the diminution of crime, and of those charges to which county-rates were now exposed. He regretted that her Majesty's Ministers had made no provision to charge part of the cost of the constabulary on the public fund.

Mr. *Gisborne* thought that the force to be established by this bill was a good and necessary force, but he objected to the whole control being vested in the magistrates. The magistrates were to have the power of levying and expending the money, and, so far as he could see, no person could be made responsible for the manner in which it might be expended. This he thought was highly improper, and he hoped the measure would be amended, to allow of a control over the expenditure.

Sir *T. Fremantle* did not rise for the purpose of objecting to this measure, but he thought that it ought to be sent to a committee along with the bill of the hon. Member for Kent, in order that the two bills might be fully considered together. In the county with which he was connected he had hesitated in pressing the adoption of this measure, as he did not consider himself justified in doing so, seeing the great additional expense which would have fallen on the country by the introduction of the bill. If the old parish constables were retained, but a small additional force would be required, and to the expense of that addition he would not object. But by this bill he contended that the parish constables would be altogether abolished, and they would not be able to get the small farmers and traders to act as constables when a paid force was once introduced into the parish. The number of constables would therefore be greatly increased by the operation of this bill, and a great increase would consequently take place in the expense, and he was therefore of opinion that the old parish constables ought not to be abolished. He thought it was right that there should be an efficient police force established in the country, but, on the other hand, he thought it was equally necessary that there should be in every small community a resident policeman at the command of the magistrate, or of any person who might call for his assistance. These objects could not be attained if they abolished the parish constables without a great increase of the force, and consequently a great increase of the expense. He hoped, therefore, that this part of the subject would be fully considered in committee.

Mr. *Mildmay* considered that the change proposed by this bill was absolutely necessary, as the parish constables at present were most inefficient, they being often chosen because they were unfit for anything else.

Mr. *R. Palmer* gave the Government every credit for wishing to make the measure satisfactory. In the county which he represented the bill of last year had not been introduced on account of the expense. He had not taken any part in the discussion, but, had he done so, he would have advised the county to wait until they had an opportunity of seeing how the bill worked in those counties which had adopted it. It was not his intention to oppose the second reading of this bill, but he thought that there was much good contained in the bill introduced by the hon. Member for West Kent, and he trusted the Government would not turn their backs on that bill. He thought that under existing circumstances the hon. Member for West Kent ought to postpone the second reading of his bill until after Easter.

Lord *G. Somerset* suggested, that the present bill, together with that of the hon. Member for West Kent, ought to be referred to a select committee, and he thought that by the amalgamation of the best part of both bills a very good measure might be produced. This was not a party question, as all sides of the House must be anxious to see a good and efficient police established. He had voted for the bill of last year, and would not oppose the second reading of this bill.

Mr. *Bruges* thought it necessary to vindicate the magistrates of Wiltshire against the charge of having taken the county by surprise in the introduction of the Constabulary Bill. So far from that, they had adjourned the sessions for a month in order to give time for the consideration of the measure. The hon. Member for South Wilts had stated that he had opposed the introduction of this bill into the county, but he had done so in rather a singular manner, for at any of the sessions where the bill was under discussion the hon. Member had not thought fit to appear. Though there were some of the provisions of the present measure in which he did not entirely concur, yet, agreeing in the principle of the bill, it was not his intention to oppose the second reading.

Mr. *Hodges* said it was not his intention to oppose the second reading of this bill. He had fixed the second reading of his own bill for Wednesday next. He would have preferred a more distant day, but had acquiesced in the wish of the Under-Secretary of State in fixing a day for the second reading.

Mr. *E. R. Rice* was favourable to the bill generally. He deprecated delay, and was anxious that the country should express an opinion on the two measures which had been proposed by the Government and the hon. Member for West Kent.

Mr. *Goring* wished that the country should be allowed to choose between the two plans. He hoped the hon. Member for West Kent would be permitted to go on with his bill, so that the country might be allowed to benefit by the present constabulary force, without the extraordinary expense and increase of the county-rates which the Government plan would force on them.

Mr. *F. Maule* was glad to see, from the turn which the conversation had taken, that no question connected with the establishment of a constabulary force in this country could be treated as a party dispute. He did not consider this the proper time to discuss the question whether it would be better to keep the old constabulary, or to replace it by a new species of force. The present bill was not for the establishment of a new force; it was brought in for the amendment of an act passed last Session, at a period when it was universally acknowledged that the country stood in need of a well-organized police force. He had been asked to refer the bill to a select committee. He should have no objection to that, if it were an original measure; but he could not now consent to refer the whole law of the subject to a select committee, after the plan had been adopted by thirteen English counties. It was the intention of Government by the present measure to ameliorate the existing law, to render it more palatable and easy of adoption. With that view a clause had been introduced for the appointment of a special constable in certain districts, to be named by the chief constable and responsible to him, but to be paid only on the occasions when his services should be required. If the House should now read the bill a second time, he would not ask them to proceed with it immediately. He wished that the measure should go down to the magistrates at quarter-sessions, in order that he might have the benefit of any suggestions they might think proper to make. With respect to a superannuation clause, he should have no objection to it if the expense were to be charged on the public funds, but they were now dealing with the county rates. He thought it would be better to leave this point to the disposal of the magistrates themselves. To all amendments that might be proposed he should be happy to give his best attention, but he could not think that any good purpose would be served by referring the bill to a select committee, and must therefore prefer a committee of the whole House.

Bill read a second time.

LAW OF EVIDENCE (SCOTLAND) BILL.] The Lord-Advocate moved that the Speaker do leave the chair for the purpose of going into Committee on this bill.

Sir *W. Rae* thought that a measure of this sort should not be brought in at once, but that the change should be made gradually. He had agreed to the second reading of this bill, under the impression that it had the assent of the bar generally but since that time he had received letters from judges on the bench and lawyers at the bar, which expressed a strong wish that the bill should be delayed until the subject was thoroughly investigated. He should therefore move that the Committee be postponed till that day six months.

Mr *W. Rae* would oppose the bill as an entirely uncalled for, and unnecessary measure. He thought that a measure so novel in its character, and so entirely new to the feelings and prejudices of the people, should not be introduced without much consideration. He had not opposed the second reading, in the belief that it met the views of the Scottish bar, but since then he had received communications from Scotland, stating that a strong feeling existed amongst the legal profession against it, that it had been referred to a committee of the faculty of advocates, which committee rejected one clause entirely, and greatly altered the rest. Under these circumstances, and being convinced that no inconvenience whatever was experienced, he should oppose the further progress of the bill. For this purpose he begged to move, that the bill be read a second time this day six months.

The *Lord-Advocate* said, that in his opinion the only fault the bill had, was, that it did not go far enough. It no doubt was true, as the right hon. Baronet had stated, that the bill was opposed by some members of the faculty of advocates, but he believed that the great majority of that learned and enlightened body were in its favour. The object of the bill was merely to introduce into Scotland those rules of evidence which for centuries had worked so well in England, where the principles of evidence were so much better understood. The present state of the law of evidence in Scotland, would no doubt astonish many hon. Members. Would it be believed, that in Scotland no son, or father, or brother, could give any evidence in cases where their relatives were engaged? Another incongruity was, that in a case where a person was on trial for his life, his son or brother might be put in the box to give evidence, but would have the privilege of choosing whether or not he should give that evidence. These, among many other circumstances, made such a bill as the present absolutely necessary.

Mr. *Home Drummond* said, that although this bill professed to assimilate the law of evidence in Scotland to that in England, yet in many instances it failed to do so. He thought that the change, if made at all, should be complete, as otherwise it would create inextricable confusion. His strong impression was, that if the bill passed in its present form, it would be productive of much inconvenience.

The *Attorney-General* hoped, that the House would permit the bill to go into Committee, as it would introduce a great improvement in the law of Scotland. At present a father could not give evidence in favour of his son, nor was a man a competent witness in the case of his brother or sister—nay, the law went further still, and prevented uncle and nephew from giving testimony in one another's behalf. It was obvious that in many cases—such as that of an *alibi* for instance—rules like these must deprive a prisoner of the only evidence which the nature of the case admitted. He hoped a clause would be introduced into the bill, to enable a witness to be examined as to what he might have previously said or written on the subject on which he should be examined, which he thought would greatly tend to remove the objections of the hon. Member for Perthshire.

Amendment withdrawn, and bill went through Committee.

The report to be received to-morrow.

HOUSE OF LORDS,

Tuesday, March 31, 1840.

Minutes.] Bill. Read a second time:—Consolidated Fund.

Petitions presented. By the Duke of Cleveland, the Marquess of Westminster, and the Earls of Rosebery, and Radnor, from a great number of places, for, and by the Dukes of Wellington, and Richmond, and the Marquess of Bute, from a number of places, against, the Total and Immediate Repeal of the Corn-laws.—By the Duke of Cleveland, from Durham, against the Opium Trade.—By the Duke of Richmond, and the Marquess of Bute, from several places, in favour of Non-Intrusion.—By Viscount Melbourne, from the Ministers and Elders of the General Assembly, against the Decision of the Court of Session.

Corn-laws.] The Duke of *Cleveland* presented a petition from the county of Durham, praying for the repeal of the Corn-laws. He regarded the present high price of bread as the cause of the distress and poverty that existed in many parts of the country, and, although there were many strenuous advocates for the continuance of the Corn-laws, yet, in his opinion, they ought to be revised. Much of the property and the comforts he enjoyed were derived from agriculture, and he could not, therefore, be supposed to be influenced by interested views in advocating an alteration in the Corn-laws. His wish was, to follow the maxim of "Live, and let live."

The Marquess of *Londonderry* said, that although he could not boast of the same power, influence, and property in the county of Durham as the noble Duke who had just spoken, yet he knew, that not an inconsiderable portion of the agriculturists of that county were hostile to any change in the Corn-laws. He had risen, however, to ask a question of the noble Viscount at the head of her Majesty's Government. He wished to know whether what he had seen stated in the journals of this day, relative to a certain meeting in Downing-street of a number of delegates, to the amount of about 200, and who seemed to have taken Downing-street by surprise, and to have entered into a discussion on the Corn-laws to a considerable extent with the noble Viscount, was correct? He wished also to know in what manner that meeting was to be viewed; because, at the close of it, the report stated, that the declarations of the noble Viscount were made in his private, and not in his official, capacity. Now, he could not understand how such a meeting could be received by the noble Viscount except in his official capacity; and he should, therefore, like to know whether the statement in the report were true, and whether the communication of the noble Viscount to the delegates was to be considered by the people of England as merely his private opinion, or whether it were given as an official Minister of the Crown. There was a remarkable discrepancy between what was stated in the report to have been said by the noble Viscount, and his statement of last year, and also of the other night, in answer to a question by a noble Lord on his side of the House. He wished, therefore, to know what the noble Viscount intended to do. There was a mystification in this case, which he thought wholly unworthy of the position which the noble Viscount held, and unbecoming of a Minister of the Crown.

Viscount *Melbourne* could not say whether the report referred to by the noble Marquess were a correct statement of what had passed on the occasion of the meeting in Downing-street or not, for he had not read that statement. But what he apprehended the noble Marquess referred to was, not that which had formed the main object of the discussion that took place, but some opinions which he had stated in the course of that discussion. The subject of foreign trade having been mentioned, he certainly had stated it as his opinion, that they could not, by relaxing the Corn-laws, obtain any great facility with foreign Governments for the introduction of our own manufactures. But when he was asked by some person at the meeting whether he delivered that as his own opinion, or as that of the Government, he said generally, it was his own opinion.

The Marquess of *Londonderry* read an extract from the report of the interview in the newspaper, to the effect that Lord Melbourne said, that "the total repeal at present would be most injudicious; to give all at once was not the way to obtain concessions from Foreign Powers." He wished to know whether that was to be one of Mr. O'Connell's instalments. He thought the noble Viscount should state the determination of the Government on the subject.

The Earl of *Radnor* was understood to say, that, in consequence of the lateness of the two last Sessions, there would be a famine, if the Corn-laws were not repealed. He begged their Lordships to attend to the effect of the Corn-laws on the Poor-laws. The object of the Poor-laws was, to produce a free competition of labour, but that ought to be accompanied with a free trade in food. Although he was favourable to the Corn-laws, yet he would support a modification of them, if an alteration were not made in the Poor-laws. The avowed object of the Corn-laws was to keep up the price of bread. That was declared to be the object when they were established, and it was said at that time, that if the landlords were not protected in that way, they would be ruined.

The Duke of *Richmond* said, the great object of the present Corn-laws was, that we should not be dependent on foreign countries for corn. He had not the slightest doubt that the great body of the people of this country, if they were asked to sign a petition for cheap bread, would sign it; and so, as the noble Duke near him (the Duke of Cleveland) could inform their Lordships, would they sign a petition for cheap coals. Let it be put to the labourers, "Will you rather have bread at a dear price, and 10*s*., or 12*s*., or 14*s*. a-week wages and constant employment, or cheap bread and no employment?" and the answer would be apparent. A great portion of the people of this country would be turned out of employment, if the agricultural interests were not protected. He would ask their Lordships to look at the returns that had been made from the different savings'-banks in the country, and see whether they were not proofs of the prosperity of the labouring classes. In the year 1838, there were 690,138 depositors, the average of whose deposits was about 7*l.* a-piece; which showed to what class of society they chiefly belonged. In the year 1839, however, there were 40,000 more depositors up to November than in the preceding year, and the amount of money so invested was 1,200,000*l.* more. He contended, that wages in this country had increased, and would continue to increase, if the Corn-laws were not agitated; but the farmers would not increase wages now, because they did not know how soon the Corn-laws might be overthrown. In his part of the country the farmers were giving 12*s*. a-week regular wages, and some of the labourers were making in task-work about 15*s*. They asked for no unfair advantage over the manufacturing interests; their interests were the same; but they did object to have persons getting up a clamour on the subject. Last year it was said, that it would not hurt the agricultural interest at all. Now, however, it was said that it would.

The Earl of *Falmouth* said, that on the one side there was a great deal of argument and assertion, and on the other simple facts. The Corn-laws had the effect of raising the price of corn when it was too low, and of repressing it when it was too high. Having been concerned all his life in these matters, he must say he thought that the noble Earl was wholly unfounded in his view of the Corn-laws as to their effect on the labourers of this country; and, above all, in supposing that if the farmers were depressed, they could still find them employment, and give them adequate wages.

CHURCH OF SCOTLAND.] Viscount *Melbourne* presented a petition from the ministers and elders in the General Assembly of the Church of Scotland, complaining that the rights and privileges and the constitution of the Church had been infringed by the decision of the Court of Session, and praying for relief.

The Earl of *Aberdeen* said, that the noble Viscount had expressed his readiness to come to a speedy decision on the matter upon this especial ground, that if her Majesty's Government resolved not to propose to Parliament any measure relating to it, time and opportunity might be afforded to other Peers to supply the deficiency and take the matter up. Until now it never entered into his mind that he ought to undertake any measure upon this subject. It appeared to be so clearly the duty of her Majesty's Ministers to propose measures to Parliament upon such a question, it was one so immediately affecting the peace and good order of the community, that he took for granted that the responsible advisers of the Crown would not abandon a duty so imperative. The noble Viscount opposite, however, had taken that course which he conceived to be consistent with the duty which he owed to his sovereign and to the country; and under present circumstances he felt it incumbent upon him to bring forward some measure calculated to give peace to the Church of Scotland and to the country generally. With this view he should immediately after Easter present to their Lordships a bill calculated, as he hoped, to produce that effect.

CANADA—CLERGY RESERVES.] Viscount *Duncannon* moved, that there be laid before the House copies or extracts of all despatches or correspondence between the Government of Canada and the Secretary of State for the Colonies, from the year 1819 to 1839, on the subject of the clergy reserves in that part of her Majesty's possessions.

The Bishop of *Exeter* rejoiced that the noble Viscount had made the motion which the House had now heard. It was a motion to which, of course, he should not offer any opposition, but, on the contrary, give it his most cordial support, hoping, as he did, that it would include all the information that he sought by the motion of which he had given notice, and which stood for their Lordships consideration that evening. If, however, he should move specially for any other documents by way of addition to those moved for by the noble Lord, he trusted that the Ministers of the Crown would as readily agree to the papers for which he intended to move as he did to their motion. He repeated that he rejoiced to see that the Government had thought it necessary to bring forward a proposition of this nature, for he thought it only due to the House that there should be laid before their Lordships every information which Ministers possessed upon a question so important. Nevertheless he was astonished, if the advisers of the Crown had thought proper to bring the matter forward at all, that they had not done so much earlier; and he was still more astonished at the communication made by the right hon. C. P. Thomson, Governor-general of Upper and Lower Canada, to the right hon. Lord J. Russell, her Majesty's principal Secretary of State for the Colonies, introducing to his notice the bill now before their Lordships. It astonished him exceedingly that such a despatch should have been written by any public functionary holding a situation so high and responsible as that occupied by Mr. Poulett Thomson. He should not say, that the Governor-general of the Canadas had been guilty of the *suggestio falsi.* He should make no charge of that kind against so eminent an individual; but this he would say, that the averments contained in the despatch of the Governor-general were as contrary to the truth as any statements could possibly be. He did not mean to say that those untrue averments were intentional; he said nothing of the sort, though he was utterly unable to understand by what process the right hon. Gentleman arrived at such conclusions as those which were contained in his despatch; he confessed that it did appear to him incomprehensible, how the right hon. Gentleman could have felt himself at liberty to make such statements. The despatch in question was dated "Toronto, 22nd of January, 1840," and contained this most remarkable sentence—

> "But no one who had not had the opportunity of examining upon the spot the working of this question can correctly estimate its importance."

That was the language held by the Governor-general before he had been one month in her Majesty's North American possessions. It must be quite evident to their Lordships, and indeed to every one who looked at the despatch and bore in mind the date of the right hon. Gentleman's departure from this country, that the knowledge which he alleged to be so necessary for arriving at sound conclusions upon the subject could not have been acquired by himself. It was impossible, that within one short month he could have acquired any personal knowledge of the least practical use, and yet he declared that knowledge to be of the highest necessity. The right hon. Gentleman proceeded to say of this question, that—

> "It has been for years the source of all the troubles in the province, the never-failing watchword at the hustings, the perpetual spring of discord, strife, and hatred."

These were, perhaps, amongst the strongest terms which the language could furnish; but he requested permission to call the attention of the House for a moment to the instructions given to Sir Francis Head, dated the 5th of December, 1835, and written by the then Secretary of State for the Colonies, in which he spoke of the conflict between the two Houses (those constituting the Legislature of Upper Canada), and pronounced that conflict to involve no danger to the peace of the colony. The words were these—

> "The conflict of opinion between the two houses upon the subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs."

The writer of those instructions was a

Member of the late Cabinet, and his statement was, that the differences referred to involved no danger to the peace of the colony. That might be true, but he must be permitted to say, that the same noble Lord subsequently permitted himself to administer a stimulant to the languid agitation then going forward upon this subject. The noble Lord said,

> "It is not difficult to perceive the reasons which induced Parliament in 1791 to connect with a reservation of land for ecclesiastical purposes, the special delegation to the Council and Assembly of the right to vary that provision by any bill, which, being reserved for the signification of his Majesty's pleasure, should be communicated to both Houses of Parliament. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretell, with precision, what might be the prevailing opinions and feelings of the Canadians upon this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment."

He wished to know whether or not those instructions were intended to be kept private. The House had been, upon a former occasion, told, that instructions had been sent out to the Governor directing that those instructions should be published *in extenso*. Subsequently, that was thought inconsistent with the dignity of the Government, and it was intimated that the substance only ought to be published; but this was accompanied by a remark that the more that was published the better. That these instructions acted as a stimulant upon the languid feeling of the colony there could not be a shadow of doubt. He should now supply the House with the means of forming some judgment between the sentiments of the present Colonial Secretary and Lord Glenelg, the writer of the instructions which he had just read to the House. So recently as last Tuesday, the noble Lord, the present Secretary of the Colonies, expressed himself in these terms:—

> "There can be no doubt that this is a question upon which a very strong feeling has existed in Canada—so strong, indeed, that I have heard from more than one quarter that part of the insurrection which took place three years ago in Upper Canada was to be attributed far more to the excitement that prevailed upon this topic, than to any wish to separate the colony from the Crown."

Such was the statement which this high authority upon Colonial affairs was reported to have made. He should heartily rejoice to see those documents upon the Table of their Lordships' House, which would set controversies of this kind completely at rest. He confessed, that the statement to which he had just called attention had greatly startled him, for he concluded that it never could have been made upon anything less than the authority of positive despatches, and he, therefore, applied upon the subject to one to whom the country was most deeply indebted, and one whom he had the honour and the happiness of calling his Friend, one who had done more for the Colonial empire of England than any other individual whatever—one of whom he would say generally that the country owed him more than to any other individual, save one now present, whose merits exceeded all those of all other men. He addressed a letter to Sir Francis Head, from whom he received this reply;—

> "My dear Lord Bishop,—I have this moment received your letter of the 28th, in which you ask me, whether you are right in thinking that the clergy reserves had nothing to do with the insurrection in Upper Canada in 1837. My own opinion is scarcely worth your acceptance, but I send you—1. A letter from Mr. Speaker Papineau to Mr. Speaker Bidwell, dated March 15, 1836. 2. A paper headed 'Independence,' printed and published at Toronto, by Mr. M'Kenzie, on the evening before the rebellion broke out. 3. A proclamation addressed by Mr. M'Kenzie to the inhabitants of Upper Canada, dated Navy Island, Dec. 13, 1837 (nine days after the rebellion.) To these documents I may add the fact, that the rebellion of 1837 was suppressed by the militia of the province without the slightest regard to religious distinctions. The officer commanding the skirmish, or as it is called in Upper Canada, 'the battle' of Gallows-hill, was a member of the Church of England. Some of the most distinguished in the ranks were Presbyterians and Catholics; and I remember, just as we came in sight of the rebels in their position at Gallows-hill, the Rev. — Evans, attended by the principal of the Wesleyan Methodists, who had voluntarily walked by the side of my horse to the point, in bidding me adieu pronounced these words: —'Our men are with thee; the prayers of our women attend thee.' From the above facts you will be best able to form a correct judgment. My own humble opinion is, that the

insurrection in 1837 had nothing whatever to do with religion, with clergy, or with law. On the contrary, it was an attempt to destroy all three, and to exchange British institutions for democracy.

"I remain, &c.

"Hanwell, March 30. "F. B. Head."

He should not trouble their Lordships by any reference to the papers which Sir Francis Head had forwarded to him. He thought that the letter was of itself all-sufficient. It was clear, he should say, from this letter, that in the year 1837 the clergy reserves had nothing to do with the discontents. The object clearly was, to get rid of the law of the Church and of British connexion, for the purpose of establishing a democracy upon their ruins. He presumed that most of the noble Lords now present would agree with him that a decision respecting this great question was one which it would be peculiarly unfair to prejudice in any manner whatever, and he, therefore, trusted, that the documents supplied by the Government would include all that could be necessary for enabling Parliament to come to a sound decision upon this great question. He should now proceed to another part of the letter of the right hon. Gentleman, at present in the Government of Canada. At page 2, he says—

> "For many years past the representatives of the people have uniformly refused to assent to an appropriation of this fund for religious purposes at all, and have steadily maintained its distribution to educational or general state purposes; and it is only the strong desire which is entertained of coming now to a settlement which has led many, who formerly advocated these opinions with success, now to withdraw their opposition, and to assent to this measure."

That was not only totally foreign, but contrary to the real facts. There were two clear exceptions to this—one in 1834, and one in 1836, which left not a shadow of doubt that nothing of the sort should have been stated so broadly. He regarded such statements as proceeding from incompetent witnesses, and paid to them no more attention than to the idle wind. Towards the conclusion of his letter the Governor-general said—

> "I will not believe that any successful opposition to the confirmation of this bill by her Majesty will be allowed to prevail."

He wished to know was not this evidently intended to be laid before Parliament. [*Cries of* "*Oh!*"] He could also say "*Oh, oh!* ["*Order!*"] It clearly was so intended. [The Marquess of *Lansdowne*—that did not appear.] Could any one suppose that such language was intended to be private? The despatch concluded with these words:—

> "Most fervently, then, do I pray that the settlement now agreed to, may be final, and that no obstacle may be opposed to its confirmation by her Majesty. Should it be otherwise, and the question should again be thrown back for decision here, I cannot foresee the consequences; but at least, I know that peace and tranquillity must, in that event, long remain strangers to this province."

Now, he asked, in return for the interruption of the noble Marquess, was that, or was it not, intended to be laid before Parliament? Was it not understood to be a private and confidential letter? He called upon the noble Marquess to answer that question fairly and fully when it became his turn to address the House. He would now proceed to notice one or two more inaccuracies. The despatch went on;—

> "I will not believe that any successful opposition to the confirmation of this bill by her Majesty will be allowed to prevail; but, as I am informed that representations may be made at home with that view, I shall beg to send in this despatch a short account of the manner in which this question has for years past been treated in this country, as illustrative of the advantage which the settlement now arrived at by the Legislature holds out, as contra-distinguished from all previous decisions."

From all previous decisions! How many decisions had there been? One and one only. The bill of last year was the only previous decision upon which the right hon. Gentleman presumed to make that statement. Such was the accuracy with which he had indited his despatch.

> "I need not advert," continues the despatch "to the early history of the disputes on this subject, until the year 1823-4, when a motion was made in the House of Assembly on the subject by Mr. Morris, for an address to the throne, praying for the recognition of the right of the Church of Scotland to share with the Church of England in the reserves."

Their Lordships would suppose that the natural interpretation to be put upon these plain words was, that the House of Assembly at this time were called upon to send an address to the throne—

"For the recognition of the Church of Scotland to share with the Church of England in the reserves."

What was the fact? It seemed that, up to this period, no proceedings of any moment had taken place in the Legislature of Upper Canada on this subject; but that, in the Session of 1824, the subject was introduced by those members of the assembly who belonged to the Church of Scotland, they being only two in number, though there were other persons of other denominations, Members of that House of Assembly, who thought it a capital opportunity for overturning the exclusive right of the Church of England to the reserves. Those two members of the Scotch Church joined the various classes of Dissenters, and after some difficulty the House of Assembly passed five resolutions on the subject, the three first of which were introductory to the other two following and to these resolutions he begged their Lordships' attention. He quoted them as given in by Dr. Strachan, now Bishop of Toronto, in his "Observations on the provision made for the maintenance of a Protestant clergy;—

> "4. Resolved, that if his late Majesty, when he graciously authorized an appropriation of land for the support and maintenance of a Protestant clergy in this province, did not contemplate a provision for the clergy of the Church of Scotland, that they ought to come now under his Majesty's most favourable consideration by being otherwise provided for. 5. Resolved, that an humble address be presented to his Majesty, praying that his Majesty will be graciously pleased to direct such measures as will secure to the clergy of the Kirk of Scotland residing, or who may hereafter reside, in this province, such support and maintenance as his Majesty shall think proper."

He could not but express his astonishment at the manner in which Mr. Poulett Thomson had ventured to describe those resolutions in his despatch. He would not go into the details of what took place after that. It seemed that the Ministers of that day did not recognise the right claimed for the church of Scotland. The answer given called upon them to exert themselves before they called for assistance. It was said, "If you help yourselves, we will help you." That was said in answer to the General Assembly in 1832, and he rather thought their Lordships would find that answer when the papers were laid before them. But that did not satisfy them, and when they found they were not to have a share in the reserves with the Church of England, they took another course. A vast number of sectarians were joined together to pull down the Church, and it seemed that this church of Scotland being unable to prove its right to share in the reserves, immediately turned round and tried to divert them to the reparation of the public roads and other secular purposes. Until the year 1831, the Assembly seemed to have been in the habit of making such motions as he had just read, but at the close of the Session of that year they agreed to address the Crown, praying for a settlement of the question by an Act of Parliament to authorize the sale of the reserves and the appropriation of the proceeds to the purposes of education, and erecting places of worship for various denominations. Now, it was very remarkable that the right hon. Gentleman, in stating what the House of Assembly did, cautiously abstained from giving any account of what the Legislative Council did. On the 16th of March, the very day on which the session closed, the Legislative Council addressed His Majesty, earnestly praying him to preserve the clergy reserves for the purposes for which they were designed; and to do all that was necessary to be done, not only for the safety of religion, but of the principles of the constitution under which they lived, affirming that the church for which the reserves were made was not only known to the constitution, but a part of the constitution itself. But of all that, Mr. Poulett Thomson took care not to inform the Imperial Parliament. In 1832 his Majesty directed the Lieutenant-governor of Upper Canada to send a message to both houses of the Legislature in that colony recommending them to reinvest the clergy reserves in his hands, and telling them at the same time that the sacred duties of his station—or, in other words, his coronation oath—compelled him not to sacrifice the interests of the Protestant churches, and giving them to understand that he hoped to find the means of assisting those interests distinct from retaining these reserves. Such was the nature of the message sent out by the Government of 1832, of which the noble Viscount was a prominent Member. The noble Marquess near him (Lansdowne) and the noble Lord, the Secretary for the Colonies, were also Members of that Government. They concurred with his late Majesty in protecting the rights of the Protestant churches in the colonies, His Majesty undoubtedly spoke of both the Church of England and the church of Scotland as the Protestant churches; but that had very little to do with the present argument. The message, however, would of course be included in the returns. But it seemed that after this message the House of Assembly itself was more cautious, and did not for two or three years proceed in this matter; no attempt was made to destroy these reserves, or to apply them to the general purposes of the colony. One or two attempts were made to procure the re-investment of the reserves in the Crown, bills for that purpose being brought in by the Attorney-general, but not proceeded with. But in 1834, a bill for the sale of the clergy reserves for the purposes of education was brought in, and passed by a majority of 22 to 12. But what had occurred before this? M'Kenzie had been in England—he had triumphed in Downing-street, and he returned to Canada exulting in that triumph. [The Earl of *Ripon:* Without foundation.] Without foundation was it? M'Kenzie thought it a triumph, and the colony thought so too; but their Lordships would have that explained perhaps by and by. At all events, M'Kenzie persuaded the Government of that day to dismiss the Attorney-general and the Solicitor-general of Upper Canada, and why? Because they had said, that this traitor, who was known to be a traitor, who had spoken like a traitor, and had proved himself to be a traitor, as far as he possibly could by the seditious doctrines he had promulgated, ought not to sit in the House of Assembly. He was expelled from that House, not for sedition, but for a gross libel on that house; and the Attorney and Solicitor general had voted for his expulsion because he had proved himself unworthy of sitting in it by endeavouring to degrade it in the eyes of the people. He was re-elected, but the senate of Upper Canada proceeded in a more dignified manner than the English Parliament did in the case of Wilkes; they did not declare M'Kenzie to be ineligible, but they expelled him again. For this, when he came to this country, he induced the Government to dismiss them. [The Earl of *Ripon:* No.] Well, their Lordships would hear presently what the fact was. M'Kenzie went back, and was received in triumph in Canada, and in 1834, in consequence of this triumph, at the next dissolution great exertions were made by the democratic classes, which were followed in the new Parliament by those measures which brought on the insurrection that took place. All the measures since 1832 had been measures for the support of religion passed by the House of Assembly, and yet their Lordships were told that the reverse was the case. In 1835 the Legislative Council—another bill having been introduced of the same nature as the former bills—addressed his late Majesty, and he would give their Lordships an extract from that address:—

> "We look upon these allotments as the only resource whence the ministers of religion can ever derive public support in this colony. But, while we decline to take part in any measure which would deprive the present and future generations of advantages in their nature inestimable, and which we consider to be among the first and most sacred duties of a legislative body to insure and perpetuate, we nevertheless deeply regret that the questions which have been agitated, with respect to the clergy reserves, should continue unsettled; and we think it is, for many reasons, much to be desired that a speedy and final decision should take place of the questions which have arisen upon the effect of the statute referred to, and that it should be plainly, certainly, and firmly established to what specific objects the clergy reserves shall be permanently applied. Confiding freely in the wisdom and justice of your Majesty and of Parliament, we earnestly hope, that with as little delay as the subject may admit of, such an enactment may be passed as shall not leave any room for doubt or question in regard to the objects to which the proceeds of the clergy reserves are to be applied, and that having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged, or may be urged, in regard to these reserves, your Majesty and the Imperial Parliament will by some measure, which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the province."

That was the prayer of the Legislative Council of 1835; but that was unworthy of a place in the statement of Mr. Poulett Thomson. But that right hon. Gentleman in his despatch said, after reciting sundry resolutions—

> "This recapitulation, from which your Lordship will perceive, that since the year 1826 the House of Assembly have, on fourteen different occasions, recorded their opinion, that the clergy reserves ought to be sold, and

the proceeds applied to education or general purposes."

Fourteen different occasions! Why, six of them were during the republican Parliament elected in 1834, under the fugitive traitors M'Kenzie and Rolph, and the self-exiled Bidwell. The seventh was passed in the preceding Parliament, under the delirium caused by M'Kenzie's triumph; an eighth was subsequently set aside by an opposite vote, thus leaving six out of the fourteen, and these all passed before the message in 1833. He had already said, that Mr. Poulett Thomson hoped no obstacle would be opposed to the confirmation of these resolutions by her Majesty.

> "Should it be otherwise," said he, "and the question should be again thrown back for decision here, I cannot foresee the consequences."

Well, then, why should it be thrown back? There was no anxiety on the part of those who wished to support the church to throw it back. Sir George Arthur, in opening the Session in 1839 said, in reference to the settlement of this question,

> "Should all your efforts for this purpose unhappily fail, it will then only remain for you to reinvest these reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here."

It might be said, that this was only the authority of Sir George Arthur. Not so; he sent home a copy of his speech, and Lord Normanby, on the 13th of April, 1839, acknowledging the despatch which contained that copy, distinctly expressed his approbation of it:—

> "I have to convey to you my approval of the course which, in the peculiar circumstances of the province you adopted, with regard to your speech."

Accordingly, under this express approbation of the Government at home, Sir G. Arthur procured the passing of the bill of last year, which, after providing for the sale of the reserved lands, enacted that the produce of the sales

> "Should be paid into the hands of her Majesty's Receiver-general of the province, to be appropriated and applied by the Imperial Parliament for religious purposes."

He need not tell their Lordships that that was refused, and why? It was stated in Lord John Russell's instructions to Mr. Poulett Thomson, in December last, that

> "Parliament delegated to the local legislature the right of appropriating the clergy reserves, and that the effect of the bill is to re-transfer the duty from the local legislative Parliament with a particular restriction. I am advised by the law officers of the Crown, that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office, and if it should not be so accepted, the confirmation of the bill would be productive of serious prejudices, and of no substantial advantage."

Well, but though the noble Lord, and though the Government did refuse to give the royal assent in December last year to the bill, which was reserved in the Session for the royal assent, yet it was found, that they were quite ready to give their assent to the present bill, which was admitted to be, in one part of it, a contravention of an act of the Imperial Parliament, and was in itself contrary to law; and the noble Lord had no hesitation in assuming that Parliament would not be reluctant in passing a new act to accommodate the colonial legislature, and to secure them in their usurpation. The noble Lord went on to say, in the same despatch—

> "Besides, I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial Legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country in which Parliament is unavoidably deficient."

So that the noble Lord stated upon his own authority, in contradiction to the repeated, uniform, and constant authority of the Legislative Assembly of that colony, who had all along thought that the bill should be sent to this country, because it could be dealt with without the prejudices that prevailed there, that the bill was most likely to be properly disposed of in that colony itself, and not in the Imperial Parliament. He would now call their Lordships' attention to another document—a petition from the minister, elders, and members of the congregation of St. Andrew's church, Kingston, in connexion with the established church of Scotland, addressed to the Commons House of Assembly of Upper Canada, in provincial

Parliament assembled. The petition ran as follows:—

"That your petitioners, while they are happy to perceive that the attention of your hon. House is invited to the long-disputed question of the clergy reserves, would, in the words of his Excellency the Lieutenant-governor, beg to express their confidence in your honourable House, that 'by moderation and sound discretion, you will overcome the obstacles that have hitherto attended its discussion.'"

"Your petitioners would not be understood as intending to convey any distrust in the wisdom and integrity of your honourable House, in submitting for your consideration whether the Imperial Parliament, by their entire removal from the conflicting interests and endless variety of opinions which have for so many years agitated the country and perplexed the provincial Legislature, in reference to the clergy reserves, are not qualified to explain their own act, and definitively to settle what is doubtful in the existing statute, without the danger of further disturbing the tranquillity of the province, or of occupying so much of the time of your honourable House in discussions and proceedings that must ultimately be referred to, and approved of by that august body.

"Your petitioners cannot forbear to express their apprehensions, that any means adopted by the provincial Legislature for the appropriation of the clergy reserves, however just and equitable in itself, would neither be so satisfactory nor so stable as a declaratory enactment on that subject, originated in and passed by the Imperial Parliament, who it may be trusted, in explaining the provisions of the Act, will be careful to preserve our 'constitution inviolate.'

"Wherefore, your petitioners pray, that your honourable House will be pleased to do in the premises as your honourable House in its wisdom may deem meet.

"And your petitioners, as in duty bound, will ever pray.

"JOHN MACHAR, Minister,

"And 213 others, Elders and Members of the Congregation of St. Andrew's Church, Kingston, in connexion with the Church of Scotland.

"Kingston, Nov. 23, 1836."

He repeated, therefore, that their Lordships had very high authority indeed, for believing that the better and fairer course would be, that a question of this kind should be decided by the local Legislature. He abstained, however, from entering upon any further details, which would be more properly brought under their Lordships' consideration, when the motion of the most rev. Prelate came before them, and he should now, rejoicing that no opposition would be offered to the motion with which he should conclude, move an address to the Crown that there be laid on the Table "such part of a despatch from Sir Peregrine Maitland to Mr. Huskisson of the 15th of December, 1827, as relates to the clergy reserves in Canada, with various other papers.

Viscount *Melbourne* said, that although unquestionably he had informed the House that no objection existed to the production of the papers for which the right rev. Prelate had moved, yet he was far from complaining of the right rev. Prelate for calling the attention of their Lordships to the subject to which his motion related, considering the great importance of the question itself, and considering that it was in the power of the House by one single vote to bring about most important results; and therefore he could not find fault with the right rev. Prelate for calling their Lordships' attention to the question, since by turning their attention to it, they would be best enabled to make themselves acquainted with the subject, and thus come to an ultimate decision with a full and accurate knowledge of its bearings and relations. He entirely agreed with the right rev. Prelate in thinking, that it was unfitting and unbecoming to prejudice the discussion and consideration of this question by adopting the tone of alarm, still less by employing the language of intimidation. At the same time, he trusted, that their Lordships would approach the consideration of this subject, weighing fully in their minds the consequences to which their decision might lead, and fully considering both the circumstances of the country for which they had to legislate, and the real state and nature of the question upon which they had to decide. But, although he did not in the slightest degree complain of the course which the right rev. Prelate had pursued in expatiating upon the topics which had formed the subject matter of his motion, and in entering into matter connected with it, although he did not mean to say, that in doing so, the right rev. Prelate had done more than was his duty, or convenient to their Lordships, he could not extend the same degree of indulgence to the manner in which the right rev. Prelate had brought forward his motion, to the tone in which he had indulged, or to the bitterness and acrimony which had broken loose from his tongue.

To bring forward the motion with which he had concluded, formed a task not unfitting for the right rev. Prelate, but the tone of asperity which marked his observations, did not become either his high and reverend calling, the station in which he was placed, or the assembly in which he was speaking. He could not help thinking, that in much of the right rev. Prelate's reference to the language of the Governor-general, there was, if not the *suggestio falsi*, at least a good deal of the *suppressio veri.* The right rev. Prelate had not entered upon the subject at any length, but if he had, it could hardly have justified the exhibition of that bitterness and acrimony, which neither became the right rev. Prelate, nor the place in which he delivered himself of it. At the same time, he begged leave to say, that there was not the slightest ground or foundation for the observations which had been made on the letter of his right hon. Friend. His right hon Friend said, "I will not believe, that any successful opposition to the confirmation of this bill by her Majesty will be allowed to prevail." But in saying so, his right hon. Friend meant nothing more than to express his opinion of the importance of the subject, adding a strong hope, that it would be considered in Parliament with that anxiety to do what was right, and to take those measures which were necessary for the prosperity of her Majesty's dominions in that part of the globe, and which to the wisdom of Parliament might seem fitting; and when his right hon. Friend went on to say, that since the year 1823, the representatives of the people had refused to distribute the funds accruing from the reserved lands for any but the purposes of general education, or the general purposes of the state, his right hon. Friend stated nothing more than was perfectly correct. The right rev. Prelate said, that the Governor-general had referred only to the opinions of the representatives of the people, and not to those expressed by the Legislative Council. But his right hon. Friend said, that he had only referred to the opinions of the representatives of the people. His right hon. Friend referred to a bill for applying the reserves to the purposes of general education, which in 1835 passed in the Legislative Assembly by a majority of thirty-nine to seven. This bill having been sent up to the Legislative Council, that House, instead of proceeding with it, adopted a series of resolutions, stating the various claims made on the clergy reserves, and praying the Imperial Parliament to deal with the question. This was the statement made by his right hon. Friend himself. The right rev. Prelate had abstained from going into the whole merits of the question, which, as he had said himself, it would be more fitting to discuss upon the motion of which notice had been given by the most rev. Prelate near him, and upon that occasion, when the papers for which the right rev. Prelate had moved had been laid upon the table, the merits of this question might be discussed more *in extenso*, and their Lordships would be able to enter upon the consideration of its details with greater accuracy and precision. It appeared to him, however, that on these papers as they stood his right hon. Friend the Governor-general was justified in saying, that ever since 1823-4 the constant and perpetual expression of the opinion of the representatives of the people in that country had been against the application of the clergy reserves to any other purposes than those of general education and the general improvement of the province. That was said to be unquestionably the popular opinion in Upper Canada. The right rev. Prelate had found great fault with his right hon. Friend for having said that this subject was a source of great heartburnings and discontent in the province, and the right rev. Prelate said, that this was entirely contradictory to the tenour of the despatches sent home by Sir F. Head, which amounted to something of this kind—that the agitation of the question did not threaten the immediate tranquillity of the province. But there was nothing inconsistent in these two statements. The question might excite discontent in the minds of men, and yet not threaten the peace of the province, and still less throw any obstacle in the way of a settlement. He should hope, however, that whatever view their Lordships might be inclined to take on this question, they would come to a consideration of this subject with a proper feeling of its importance, and with a full knowledge of its nature and extent. He had hoped that they would come to a consideration of it without anything of bitterness, acrimeny, asperity, or party feeling; but he owned that his hopes on that subject were very considerably diminished when he found that on the very first occasion which presented itself a clergyman of the Church of England—a dignitary of the Church of England, unprovoked, unexcited by debate, in the very outset and beginning of the discussion, exhibited an asperity, a virulence and a spirit of attack which could hardly be justified by the warmth and violence to which a debate might give rise. He trusted, however, that their Lordships would not allow themselves to be influenced by the tone which the right rev. Prelate had adopted, but that they would approach the consideration of the despatch of the Governor-general with that coolness, that gravity, and that disposition to do what was right, which became the situation which their Lordships filled as legislators for this great country.

The Duke of *Wellington* was disposed to approach this subject in the spirit which had been recommended by the noble Viscount who had preceded him, but he confessed he was not surprised that some feeling should have been excited by what had passed on this subject, not only by what had appeared on the face of these papers, but by what had passed in that House of Parliament, and also in another place. It appeared that this act of the Canadian Parliament was suggested by the right hon. Gentleman the Governor-general of Canada, who had recently gone out there to take upon himself the government of that province. It appeared also, that this act of the Parliament of Upper Canada, of which he should say but little, as it would come hereafter under the consideration of their Lordships, although it was suggested by the right hon. Gentleman to the Parliament of Canada, did not meet with the entire approbation of the Secretary of State for the Colonies, at least it appeared that the noble Lord would not have suggested that particular mode of legislation and this particular act of Parliament. The suggestion, then, came as the suggestion of the Governor-general himself, not that of his employer, the Secretary of State, and the suggestion had given rise to this act of the Parliament of Canada, upon which the Imperial Parliament was called upon to give an opinion, by addressing the Crown against it, or by giving none, to allow the act to pass into a law. Now, it might so happen, as had been suggested by the noble Viscount, that the right rev. Prelate had referred to papers which had been moved for. He (the Duke of Wellington) might have seen some of them in the course of his official duty, but as he had no copies, he could not compare them, and under these circumstances he should refrain from making any observations on them. He must, however, say, that if the right rev. Prelate had any knowledge of these papers, it was not extraordinary, that having called for some of them, he should have pointed out the bearing of those papers and their relation to the conduct of the Governor-general, who appeared to be the suggester of this act of Parliament. Now, he should say no more of this act of the Parliament of Upper Canada than this, that one of its objects certainly was, to repeal and alter an act of the British Parliament, and this act, as he had said more than once, was suggested by the Governor-general. He really must say, that he was not astonished at the feeling which had been excited, and he could not help thinking that the right rev. Prelate, who had a knowledge of the contents of these papers, would not in moving for their production have been justified if he had not let the House know what he had become acquainted with, having a regard to what might pass in that House hereafter, so that their Lordships might then come down to the House and give their votes on the motion of the most rev. Prelate according to the best of their judgment.

The Bishop of *London* perfectly agreed with the noble Viscount, in thinking that it was desirable to enter upon a consideration of this question with that calmness and coolness which befitted a legislative assembly, but he must be permitted to say that the noble Viscount had not much reason to be surprised, perhaps he might say not much reason to be dissatisfied, if he found that others might not approach this question with the same degree of philosophic indifference with which the noble Viscount himself treated it. The question raised was neither more nor less than this—whether they should consent to the spoliation of the Church of England in one of our distant provinces, by depriving it of nearly the whole of its property. If he were stopped by a highwayman, who put a pistol to his head and took away his purse, which might contain his all, and he were then recommended to preserve a philosophic calmness and indifference, he should think that his plunderer made an unreasonable request. There were reasons why the prelates of the Church should feel sensitive as to the conduct of the right hon. Gentleman, whom the noble Duke had so properly and so strongly pointed out as the suggester of this measure. It was not the Government, but the Governor-general of Canada, to whom the act was to be attributed. They were the more strongly moved by indignation at what had passed, when it was recollected that at the very same time when the Governor-general proposed this alienation of the property of the Protestant Church, he recommended that a bill should be introduced for the purpose of vesting in the college of St. Sulpice, at Montreal, a small community of monks, property not less in value than 500,000*l.*, nearly the value of the property, of which it was now proposed to deprive the church in Canada, and much more than double its amount if this bill should pass into a law. The right hon. Gentleman proposed that a bill should be introduced to give this vast property to these monks, although he had been informed, in a despatch from the Secretary of State, that they had no legal right to the property, and although he had been instructed to take legal measures for the purpose of recovering it for the use of the Government. It could not, then, be wondered at that, looking on this side of the picture and on that, a feeling should exist that there prevailed in Canada an injurious spirit of hostility to the Established Church.

The Earl of *Haddington* rose only to advert in a very few words to the interest which, in a certain view of it, the Established Church of Scotland might be supposed to have in this question. If her Majesty's Government should succeed in establishing the opinions which they entertained, and in negativing the motion of the most rev. Primate, there was undoubtedly an end of the question. If, on the other hand, their Lordships should agree to the motion of the most rev. Prelate, and present an address to her Majesty, praying her not to give the Royal assent to the act relating to the clergy reserves, then a settlement of the question would become necessary. He hoped that their Lordships would be of opinion that the Established Church of Scotland would put forward no claims to which she did not conceive she was fully entitled. The Scotch clergy considered that the term "Protestant" clergy included those of the Established Church of Scotland, as well as those of the Church of England. They considered that if it had been intended to confine the clergy reserves exclusively to the Church of England, a form of words would have been used, expressly excluding the other Established Church of Britain, which would have left no doubt on the subject. The whole question depended, he conceived, on the legal import of the words "the Protestant clergy;" and in the event of the most rev. Prelate succeeding in the motion which he would have to make to their Lordships, it would be necessary, as a matter of justice, that their Lordships should settle the legal import of those words, and whether they meant simply the Church of England, whether they meant the Churches of England and Scotland, or whether the phrase "Protestant clergy" extended still further to the sectaries who had ministers in Canada. He had no opinion whatever on the point; it would be very presumptuous in him to give an opinion, only he would say he had always understood (but he spoke in the hearing of the noble and learned Lord on the woolsack, who was able to set him right if he were in the wrong), that the word "clergy" in an Act of Parliament, was confined to the clergy of an Established Church. Most unquestionably he was not influenced in saying these few words by any feeling but this—that there was a great population of his countrymen in Upper Canada; that he was anxious that justice should be done to them in the most important matter in which any human being could claim to have justice done to him—namely, that he should have afforded to him the means of religious instruction. If, therefore, the clergy of the Scottish Church were by law entitled to any share in those clergy reserves, he trusted it would not be withheld from them. If they had not the right in law, some other means must be found to afford religious instruction to the numerous natives of Scotland who inhabited the colony.

The Archbishop of *Canterbury* entirely agreed with the noble Earl who had just sat down, in the expediency of determining this question, which had been decided in various ways by different persons. It had not yet been settled either by Parliamentary or by judicial authority, and he wished extremely in any settlement of the question, that the respective rights of the several parties who claimed a share in this property should be settled by the highest judicial authority in this country. He thought this was necessary for the ends of justice, whatever might be their future proceedings with respect to the measure which was now laid upon their Table. When their Lordships had settled whether they would assent to the measure or not, the proper time would have come for considering what ought to be done for that Church in which the noble Earl very naturally felt so strenuous an interest, which had so many of its members in Canada for whom some provision had already been made by Parliament, and of which certainly it was not his (the Archbishop of Canterbury's) disposition or feeling to speak in any terms but those of respect. It certainly appeared to him to be highly necessary this question of right should be settled. He had a decided opinion on the subject; he had no difficulty in saying that he thought the Church of Scotland had no right to participate in the clergy reserves under the act, and he felt still more strongly that the clergy of other denominations who had long ministered in the colony had no right at all. No legal opinion had ever been given in favour of their claim; it rested solely on the demand they had thought proper to set up, following the example of the Church of Scotland, after the right of the Church of England had remained undisturbed for thirty years.

Lord *Ellenborough* said, the notice given by the right rev. Prelate to move that certain questions be proposed to the judges referred only to certain parts of the bill of the legislature of Upper Canada now on the table. Now, the point on which the most rev. Prelate had just addressed the House was by no means necessarily connected with that bill—he meant the question, whether, under the act 31 George 3rd., the clergy of the church of Scotland were to be included in the term "Protestant clergy," as well as those of the Church of England. Under the circumstances, he thought it was not too much to ask the right rev. Prelate to lay on the table on Thursday the specific questions which he was to propose to the House, on Friday, should be addressed to the judges. In point of fact, nearly the whole question depended on the manner in which they might be put, and he thought that their Lordships should be allowed at least 24 hours for considering them. He wished to reserve his opinion on the subject, important as it was, to the last moment, and, therefore, he would say nothing on the general question which had been opened by the right rev. Prelate. But he wished to address one question to the noble Viscount, which he hoped would be answered. He thought it a matter of some importance that their Lordships should understand among what religious denominations of Christians it was meant that the funds should be divided. It was said, among all denominations that were now recognised by the law of the province, and he wished to know who these were?

Viscount *Melbourne* replied, all sects would be included that were mentioned or recognized in certain acts of the colonial legislature, which acts would be laid upon the table.

The Archbishop of *Canterbury* wished to explain that what he had said had no reference whatever to any motion that might be made by the right rev. Prelate, but he had thought it right to give an answer to what had fallen from the noble Earl. If it should be their Lordships' pleasure to accede to the motion he would have the honour of making on Monday, the 13th of April, he was inclined to think it would be the duty of Government to ascertain the right of the several parties who claimed an interest in the reserves, before they proceeded to legislate, that they might proceed upon the basis of justice to all parties.

The Bishop of *Exeter* thought that nothing could be fairer than what the noble Baron, who had last addressed their Lordships had suggested, that the questions to be proposed to the judges should be placed before their Lordships at least 24 hours before the motion was made. He would tell the House frankly why he was not at present prepared to state them. He wished very particularly, before announcing them, to communicate with a noble and learned Lord whose present state of health prevented him from attending that House, and who had an especial claim to be consulted, inasmuch as communications on this subject had already passed between them. He could not say positively, but he believed that the construction of the term "Protestant clergy," would be one of the points embraced in the questions. If he proceeded with his motion on Friday, he would give full information as to the terms of the questions on Thursday; but, at all events, he would not proceed without previously giving full information. He wished to mention, that, when he spoke of Mr. M'Kenzie's triumph, in the observations he had already made to their Lordships,he was not aware that the noble Earl (Ripon) had given some explanation last year on that matter. He would now, with their Lordships' permission, advert to some remarks which had fallen from the noble Viscount (Melbourne.) The noble Viscount had taken him to task for the tone in which he had addressed their Lordships. He did not mean to enter into any justification of that tone, but he must say, that never yet was a human being so totally ignorant—the noble Viscount would not be surprised at that expression from him, and would forgive him for using it—of the grounds on which he (the Bishop of Exeter) rested his case. The noble Viscount had the confidence to tell their Lordships that he made this charge upon the authority of papers of which he alone was in possession, at least which were not generally known, and he had said that he charged Mr. Poulett Thomson with wilful misstatement. He (the Bishop of Exeter) had disclaimed such an intention; he meant it sincerely, and he was surprised that the noble Viscount should not have understood him as disclaiming such a charge against that right hon. person. His authority for the statement he had made was a paper which the noble Viscount had laid upon the table—he meant the letter of the right hon. Gentleman himself, and never had he heard, even from the noble Viscount,who had so often astonished their Lordships by his declarations of ignorance, more especially his ignorance of colonial policy—never had he been so much astonished as at the declaration which he had heard from the noble Viscount o-night. He was quite sure the noble viscount had never read the despatch of Mr. P. Thomson, or he never would have dared to make the statement he had made; but without reading the despatch, the noble Viscount had had the confidence to state that the right hon. Gentleman proved throughout his despatch that ever since the year 1823 or 1824, the house of Assembly had maintained a constant, perpetual, and universal protest against appropriating the clergy reserves to any other than general purposes, or those of education. He re-affirmed in the teeth of the noble Viscount, the assertion that he had made,—that the right hon. Gentleman contradicted himself, and he entreated the noble Viscount's attention for a few moments, while he detailed the facts on which he rested his justification for having said so. The right hon. Gentleman asserted that ever since 1823 or 1824 the House of Assembly had refused to grant the clergy reserves for any purposes but those of education or general improvement, rejecting all proposals to apply them to the support of religion. Now, according to the despatch of Mr. P. Thomson himself, in the session of 1836—7, a resolution was adopted in the assembly, by thirty-five to twenty-one,

> "That it is desirable that the lands commonly called clergy reserves, and the proceeds arising from the sale thereof, be appropriated for the promotion of the religious or moral instruction of the people throughout this province."

[Viscount *Melbourne:* Religious and moral instruction.] Oh! the noble Viscount was going to special plead on the phrase instruction. He would remind the noble Viscount that the term "religious instruction" was the point on which the whole discussions respecting the property of the Church of Ireland had turned. [Viscount *Melbourne:* He meant education.] What Mr. Thomson meant they had nothing whatever to do with. The noble Viscount knew what the assembly meant. Mr. Thomson stated,

> "That this resolution was communicated, for concurrence, to the Legislative Council, who, in reply, stated, that if by 'moral instruction' was meant nothing distinct from, or independent of, religion, they would be ready to concur in it, and that they would be ready to go any reasonable length in meeting the wishes of the other branches of the legislature, keeping in view the necessity of making provision for the religious instruction of the people, and the maintenance of public worship."

In 1837-8, a resolution was adopted in the Assembly, by a majority of twenty-one to seventeen, for re-investing the reserves in the Crown, "for the support and maintenance of the Christian religion within the province;" and a bill for that purpose was brought in. What would the noble Viscount say to this? There was no room for special pleading here. The noble Viscount had studied in a special pleader's office, and had shown that he had profited by his legal education; but how could he, with all his ingenuity, get rid of the phrase "Christian religion." In 1839, the Assembly, according to Mr. Thomson, adopted a bill founded upon the following resolutions:—

> "1st. To pay to each clergyman of the churches of England and Scotland, resident, according to the first resolution, an annual stipend not to exceed 100*l*. 2nd. To pay to the Wesleyan Methodist church, in Canada, in connexion with the English conference, or their proper officer, a sum not to exceed 100*l*. per annum, for as many ministers of that church as there shall be lots granted and conveyed in each circuit, according to the second resolution. 3rd. The surplus of interest, not otherwise disposed of, to be expended in aid of the erection of places of public worship throughout the province generally."

Thus, in three instances successively, the Assembly, upon Mr. Thomson's own showing, had done that which he declared they had constantly and regularly refused to do. What happened afterwards? In that very year the Assembly concurred with the Legislative Council in passing that bill, which was not laid on their Lordships' Table, because Government did not choose to give it their sanction, but which left the disposal of the reserves to the Imperial Parliament, with the restriction of appropriating them to religious purposes. Ever since the year 1836, the Colonial Assembly had practised that which Mr. P. Thomson said they had constantly refused to do. He said, therefore, that that right hon. person had mis-stated the fact, and also that the noble Viscount had mis-stated the fact, inasmuch as he said, that the right hon. Gentleman had made out what he had failed to make out.

Lord *Ellenborough* wished to say a few words, as he was afraid that what had fallen from him might be erroneously construed into an approval of the proposal for consulting the judges. He did not mean to give any opinion on the propriety of that course. He apprehended that questions ought to be put to the judges where it was necessary for their Lordships to have legal advice for their guidance in legislative proceedings. But that was not the present case. It was now the duty of the Ministers of the Crown to go to their legal advisers, and ask their opinion as to the legality of the measure to which they were called upon to give their assent, but he apprehended it was not their Lordships' duty to give advice to the Crown as to the legality of a measure which came before them under such circumstances. It was their duty, if they thought it necessary to advise the Crown on the subject of the justice or expediency of the measure, but the question of its legality ought, he considered, to rest with the legal advisers of the Crown. He threw this out for the consideration of the right reverend prelate and the House, because he would not have the right reverend prelate proceed, in making his motion, on the erroneous supposition that any questions he might wish to have answered were to be proposed by the House as a matter of course to the judges.

The Bishop of *Exeter* said, he would be sorry to anticipate the discussion on his motion, and he thought it would be more convenient to enter into those remarks when the question was before the House.

The *Lord Chancellor* observed, that, on Friday next there would be only three judges in town, the rest being on the circuit. With respect to the despatch to Lord Bathurst, containing the opinions of the legal advisers of the Crown in Canada, for which the right reverend Prelate had asked, it was not the usual course to produce such opinions, and it might lead to great inconvenience if the rule were departed from.

The Bishop of *Exeter* thought that the paper could not, in common justice, be refused. The whole question arose from the notoriety which had been given to the opinions of the law advisers of the Crown, given in 1819. Since the latter had been made public, he could not see why the opinions of the legal advisers of the Crown in Canada should not be produced, as well as those of its advisers in England.

Address agreed to.

HOUSE OF COMMONS,

Tuesday, March 31, 1840.

Minutes.] Petitions presented. By Messrs. James, Greg, R. Walker, Somers, Briscoe, G. Langton, M. Philips, C. Berkeley, Wallace, Easthope, Thorneley, Marsland, H. Hinde, Wilbraham, Clay, Brotherton, O'Connell, Muntz, T. Duncombe, Ward, Macauley, Morrison, Redington, Hawes, John Martin, Hume, Baines, Slaney, Warburton, Gillon, B. Wood, the Attorney-general, Sirs M. Wood, J. C. Hobhouse, G. Staunton, Colonel Davies, and General Johnson, from several hundred places, for, and by Messrs. Pakington, G. Knight, Barneby, B. Baring, G. Palmer, C. C. Cavendish, Neeld, Round, Waddington, Basset, Bagge, Darby, Sanford, J. Young, R. M. Milnes, Pringle, O'Gore, Sirs R. Hill, J. Tyrrell, C. Burrell, E. Knatchbull, Lord Worsley, the Earl of Lincoln, General Lygon, Captain Perceval, and Colonel Rushbrooke, from several hundred places, against, the Total and Immediate Repeal of the Corn-laws.—By Mr. Goring, from Worthing, against the Grant to Maynooth College.—By Mr. M. Philips, from the Beer Sellers of Manchester, to be placed on a footing with the Licensed Victuallers.—By Messrs. Blackburne, Christopher, and Moneypenny, from three places, for Church Extension.—By Sir J. Duke, from Boston, for opening the Beer Trade.—By Mr. Lockhart, from Lanark, in favour of Non-Intrusion.—By the hon. H. T. Liddell, from the Dean and Chapter of Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Brotherton, from Stockport, for the Release of John Thorogood, and the Abolition of Church Rates; also against the Opium Trade.—By Lord Clements, from Carrickfergus, for an Extension of the Suffrage.—By Lord Sandon, from Liverpool, for Protection to the West India Produce; from Maidstone, against the Opium Trade; and from three places, for Protection to that same Trade.

THE KING OF HANOVER.] Mr. *Horsman* wished to put a question to the hon. and gallant Member for Sligo relative to what was understood to have been stated by him the other night with regard to the King of Hanover. The hon. and gallant Gentleman was understood to deny the statement that application had been made, at the instance of her Majesty, to the King of Hanover, to allow his apartments in St. James's Palace to be occupied by her Royal Highness the Duchess of Kent, and that such application had been refused. Some days having now intervened, affording to the hon. and gallant Member an opportunity to obtain further information, he preferred inquiring of him whether he still persisted in that denial, to putting a question directly to the Government upon the subject.

Colonel *Perceval* said, he had not stated on the occasion alluded to, that no such application had been made to the King of Hanover. He said no such application had been made by the Duchess of Kent; and, lest any misconception should arise as to what fell from him on a matter of so much delicacy, after the observation of the noble Lord the Secretary for the Colonies, that what he had stated was new to him, he begged to remind the House that he rose immediately after the noble Lord had sat down, and requested, as an indulgence, to be allowed to read the statement he now held in his hand, and which, with the permission of the House, he would again read, as the best answer to the question which had been put to him. These were the very words of the statement;—

"It has been erroneously conceived that the King of Hanover's apartments in St. James's Palace were required by the Duchess of Kent. In fact, her Royal Highness did not only not express any wish for them, but even asserted they would not suit her; and her Royal Highness was not pleased that her name had been made use of in connexion with them."

His statement was, not that no application had been made to the King of Hanover, but that the application was not made by the Duchess of Kent, and that the Duchess of Kent was dissatisfied that such application had been made. He might also say, that since Friday last he had been in communication not only with Sir F. Watson, but also with a Member of the Government, and he was authorized to say, first, that the Commissioners of Woods and Forests had applied to the King of Hanover for the use of his apartments, which application had been refused, and that subsequently the noble Lord at the head of the Government, Lord Melbourne, had made the same application, which was also refused. He repeated his statement went only thus far—he denied that any such application had been made by the Duchess of Kent, and declared that her Royal Highness had expressed her disapprobation of the application.

PRIVILEGE—ARREST OF MR. HOWARD.] On the Motion of the *Attorney-General*, the Sergeant-at-Arms appeared at the bar, and acquainted the House that on Saturday last, the assistant-sergeant and four other officers of the House were served with a notice that a declaration in an action had been filed against them in the Court of Queen's Bench, at the suit of Thomas Burton Howard, and he had thought it his duty to obtain a copy of that declaration.

The declaration was then delivered in, and read by the clerk at the table. The damages were laid at 1,000*l.*

The *Attorney-General* then said, that in the absence of his noble Friend the Secretary for the Colonies, it became his duty to make a motion on this subject, in which he had the concurrence of his noble Friend. From the verbiage of the document which had just been read, it was difficult to discover either what was the exact form of the action to be brought, or what it was of which the plaintiff complained. It did not appear that he questioned the privileges of the House or the legality of the warrant, but what he said was, that there was an excess of violence on the part of the officers of the House in the execution of that warrant. The hon. and learned Member for Ripon, whom he did not then see in his place, had, he believed, received a letter from Mr. Howard on that subject, and he himself had received one purporting to come from Mr. Laurie, Mr. Howard's solicitor, in which he stated that the complaint was of excess of violence on the part of the officers of that House. The question was, what course ought the House to adopt under these circumstances. He thought there could be no doubt, that whenever an action was brought involving the privileges of this House, the House had a right, and was called upon to interfere in a summary manner with its authority. He did not regret what the House had already done in vindication of its privileges; on the contrary, he thought that it had only exercised a constitutional and very wholesome power. The question, however, involved in the present case, was whether the officers of the House had been guilty of any excess in executing the warrant of the House; and this was a question which the House, and the House only, had a right to inquire into. The Court of Chancery, it was well known, would not allow an action to be brought against one of its officers for any alleged excess in the execution of their duty, but upon complaint made would cause inquiry to be made into the circumstances, would punish the offender if there had been any breach of duty on his part, and award compensation to the injured party. And was the House not to do the same by its officers if it thought proper? If any complaint were made by petition, alleging that its officers had acted improperly in the execution of the warrants of the House, it ought to interfere, inquire into the circumstances, and award such compensation as the case seemed to merit. But the question in this case was whether under all the circumstances, it would be expedient for the House to exercise this power in the present case. He thought as the privilege of the House had not been called in question by the plaintiff in this action, that the House should resolve, not that the Attorney-general should be instructed to appear and defend the action, but that the servants of the House, being the defendants in this case, should be allowed to appear to and defend the action. For his own part, he had no doubt that it would be found that the defendants had been guilty of no excess in the execution of their duty, and that they had done no more than the warrant of the House justified and required them to do. It appeared that they had merely entered the house of Mr. Howard—that no opposition had been made to their so doing—that interchanges of civilities had passed between them and the parties in the House whilst they remained there—and that it was only after frequently calling, that they were enabled to execute the warrant against Mr. Howard. On such evidence as this, he (the Attorney-general) thought there must certainly be a verdict for the defendants, as they had done nothing more than their duty, and what the House required of them. He thought, under all these circumstances, that the most prudent and dignified course for the House to adopt, would be to allow the servants of the House (the defendants in this case) to appear to and defend the action; and he would therefore conclude with a motion to that effect.

Viscount *Howick* rose, and said, that it was not his intention to take up the time of the House by entering into any arguments against the course which the hon. and learned Gentleman had just advised the House to pursue in this matter, because he was well aware of the large majority that was ready to support that course. He could not, however, allow the House to submit to this further concession, and still more humiliating course than any to which they had already given way, without entering his protest against it. Any one who had listened to the hon. and learned Gentleman on this occasion, must have observed that he himself felt the humiliating submission which he was advising the House to enter into. He tells the House that the Court of Chancery would not suffer its privileges to be invaded by any law proceedings against its officers for an excess of duty, but would take into its own hands the punishment of those officers, and the compensation of the injured parties, if an excess had been committed; and yet the hon. and learned Gentleman recommends the House of Commons to submit to what the Court of Chancery would not tolerate. It could not be denied, that the constitutional mode of proceeding would be for the parties complaining of any excess of duty by the officer of the House to petition the House to punish the offending party, and compensate the injured. Why, then, was the strict Parliamentary course to be now departed from? What indulgence, he would ask, did the complaining party here deserve from the House of Commons. Mr. Howard had brought repeated actions questioning their privileges, and he was now in Newgate for that offence, and he had never yet offered to make the slightest concession. This was the person for whom they were to depart from the usual constitutional course. The hon. and learned Gentleman says, he is confident that no trespass has been committed, and that such will be the opinion of the Court of Queen's Bench. Now he was confident of no such thing. After the decisions to which that court had already come upon this subject, directly opposed as they were to all former decisions, he had no confidence whatever in that court. The Court of Queen's Bench might lay it down, that the officers of the House had no right to enter Mr. Howard's house at all; and there might be found many other grounds on which the court would decide against the defendants. TheHouse was now about to submit itself unequivocally and for ever to the Courts of Law. This was the consequence of the false step they had taken by introducing the bill which they had passed the other night. They must hold all their privileges for evermore at the discretion of the Courts of Law, and must submit to have every exercise of their power questioned in those courts. "I, for one," said the noble Viscount, "will not be responsible for the adoption of this humiliating and injurious course; for if I stand alone I will give my negative to the motion of the hon. and learned Gentleman."

Mr. *O'Connell* quite agreed in the views of the noble Lord who had just spoken upon this subject. The House had over and over again by resolution asserted its privileges by large majorities. There was an unanimous opinion amongst all legal men in the House, that the Court of Queen's Bench was wrong. Not only those on his side, but also the very eminent Gentlemen on the other side. They might differ as to the reasons, but they all unanimously came to the same conclusion, that the Court of Queen's Bench was wrong. The jury might be so directed by the judge, and might have given the entire of the 1,000*l.* at which the damages were laid; or the judge might for the trespass direct the jury to give one farthing, and the jury, turning rampant, might give the whole amount at which the damages were laid. The House was then asked to do what the Court of Chancery would not condescend to do—and was virtually called upon to affix a limit to its privileges—by submitting to a court of law the time (whether two minutes, or two minutes and a half, and that by a stop watch, perhaps) in which the officers of the House would be justified in remaining in the house of a person to whom the Speaker's warrant might be directed. Such a shrinking from the assertion of its privileges on a former occasion had involved the House already in difficulty, and would involve it in further difficulty. It would be a much more eligible course to examine the officers of the House at the bar, to ascertain from them what they had done Mr. Howard would then have an opportunity of contradicting or affirming their statements by a petition to the House, and could, as he had already done, communicate with such Members of the House as he thought most likely to support him. He could also claim compensation from the House for whatever (if any) excess in the discharge of their duties had been committed by the officers of the House; but he must protest against the question being referred to the Court of Queen's Bench or to any other legal tribunal, because the consequence of such reference would create a conviction in the public mind, when they saw the House shrinking from the assertion of its privileges, that no such right or privilege did exist.

Mr. *T. Duncombe* admitted the imputation which had been thrown out against him by the hon. and learned Member who had last spoke, of having been in correspondence with Mr. Howard. [Mr. *O'Connell* said, that he alluded to the hon. and learned Member for Ripon.] Yes, but the same remark applies equally to me. The hon. and learned Member for Ripon, and it seemed the Attorney-general also as well as himself, had been in communication with Mr. Howard, who on that occasion did not complain against the warrant or its just execution, but he complained because it had been illegally executed. In fact, he complained of excess being committed by the officers of the House; that his house had been broken open; that the officers were ten hours in possession of his house and created great disturbance. For that outrage he sought compensation from the laws of his country—and to that redress, supposing the excess to have been committed, he was justly entitled. It was said that Mr. Howard might petition the House for redress. Mr. Howard had had already experience sufficient of the mode in which redress had been given to petitioners by that House. Mr. Howard had written a letter, dated Newgate, March 12, 1840, stating that had not Mr. Gossett kept out of the reach of the service of the writ, the declaration would have long since been filed, and notice of such declaration served upon him. For that reason he hoped for the support of hon. Members to oppose the bill (the Printed Papers Bill) then in progress through the House, and to prevent his becoming the object of *ex post facto* legislation, by depriving him of the redress to which he would be entitled in a Court of Law for the excess committed by the officers of the House. In his opinion Mr. Howard was perfectly right not to petition the House for redress—for no attention would be paid by the House to his petition or to its prayer. A petition had been presented from Mr. Stockdale a short time ago, and it was decided that the petition was an insult to the House, and that it ought not to be received. It was read twice, and he sincerely believed that if it had been read the third time it would be received; for many hon. Members, not knowing their own minds, had followed the opinions propounded by the two noble Lords who took so prominent a part in rejecting that petition, and if an opportunity offered of reconsidering that opinion they would vote for its admission. Mr. Howard was of right in appealing to a Court of Law. Did the House, on a former occasion, interfere and prevent Sir Francis Burdett from taking an action against Mr. Speaker Abbot? Was that hon. Baronet then told to petition the House, and seek redress from its justice for the excess which formed the ground of his action against the Speaker? No such intimation was given by the House, and if it were offered it would not very probably be accepted.

Mr. *Pryme* contended that there was no such plea in the declaration as that of excess; so that the superstructure of the argument of the hon. Member who had last spoken entirely failed. The declaration stated the trespass of entering his house, &c.; and it was only in the replication to the pleading of the defendant that the excess could be pleaded. He would support the motion.

Sir *W. Follett* approved of the course suggested by his hon. and learned Friend the Attorney-General, and cited the recent instance where the Sergeant-at-Arms was directed to make a return to the writ of *habeas corpus* issued by the sheriffs, when the Court of Queen's Bench decided that they would not inquire into any thing but the Speaker's warrant. When the question of compensation in damages for the alleged excess came before the Court of Queen's Bench, it would, no doubt, adopt a similar course of proceeding, and the question at issue between Mr. Hansard and the officer of the House was one which was strictly a question for a Court of Law and a jury to decide. No such intimation as that suggested by the noble Lord, the Member for Northumberland, had been given to Sir F. Burdett who brought an action against the Sergeant-at-Arms (as well as the Speaker) for an excess in the discharge of his duty.

The *Attorney-General* in reply protested against the imputation of concession or retractation of the privileges of the House, which had been urged against him.

The *Solicitor-General* said that it was a duty which he owed himself to give his unqualified and utter dissent to the course then pursued by his hon. and learned Friend, the Attorney-General. He did so with regret; but he did it from paramount self-justice.

The House divided. Ayes 142; Noes 51—Majority 91.

List of the AYES.

Alston, R.
Bailey, J.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barry, G. S.
Basset, J.
Bethell, R.
Blackburne, I.
Boldero, H. G.
Bradshaw, J.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, C.
Buller, Sir J. Y.
Clay, W.
Clerk, Sir G.
Collier, J.
Compton, H. C.
Coote, Sir C. H.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
Denison, W. J.
Dick, Q.

Douglas, Sir C. E.
Duffield, T.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. W.
Dundas, C. W. D.
Du Pre, G.
Egerton, W. T.
Eliot, Lord
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fitzsimon, N.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fort, J.
Fremantle, Sir T.
Gaskell, J. M.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grimsditch, T.
Hamilton, C. J. B.
Hawes, B.
Hayter, W. G.
Heneage, E.
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Serjeant
James, W.
Johnstone, H.
Jones, J.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lister, E. C.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.

Mahon, Viscount
Marton, G.
Maunsell, T. P.
Milnes, R. M.
Monypenny, T. G.
Morgan, C. M. R.
Muskett, G. A.
Neeld, J.
Neeld; J.
Nicholl, J.
Norreys, Lord
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Phillpotts, J.
Planta, right hon. J.
Polhill, F.
Praed, W. T.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Shaw, rt. hon. F.
Sheppard, T.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Stewart, J.
Stuart, Lord J.
Sturt, H. C.
Style, Sir C.
Teignmouth, Lord
Thesiger, F.
Troubridge, Sir E. T.
Turner, W.
Tyrell, Sir J. T.
Vernon, G. H.
Villiers, Viscount
Vivian, J. H.
Waddington, H. S.
Wall, C. B.
Ward, H. G.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wyndham, W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Campbell, Sir J.
Grey, rt. hon. Sir G.

List of the NOES.

Archbold, R.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Brabazon, Lord
Brodie, W. B.
Brotherton, J.

Busfeild, W.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Davis, Colonel
Divett, E.
Dundas, F.

Edwards, Sir J.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fenton, J.
Finch, F.
Gisborne, T.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Horsman, E.
M'Taggart, J.
Marsland, H.
Martin, J.
Melgund, Viscount
Morris, D.
Muntz, G. F.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.

Philips, M.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rundle, J.
Sanford, E. A.
Scholefield, J.
Staunton, Sir G. T.
Strickland, Sir G.
Tancred, H. W.
Turner, E.
Vigors, N. A.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Wood, B.

TELLERS.

Howick, Viscount
Wilde, Sir T.

INQUIRY INTO CHARITIES.] Mr. *C. Buller* rose to move for the following papers, without which, he stated that the reports of the Commissioners for Inquiring into Charities would be useless:—

An Analytical Digest of the whole body of Reports made by the Commissioners for Inquiring into Charities, upon the plan adopted in a digest relating to certain counties, in pursuance of an order of this House made on the 27th day of March, 1835. Also a more particular digest of all schools and charities for education reported on by the said commissioners, setting forth, as far as appears from the said reports—1. The date and mode of foundation. 2. To what persons the government is intrusted. 3. To whom the patronage belongs. 4. Whether there is any special visitor. 5. The qualifications required in the masters. 6. The instructions prescribed. 7. Who are entitled to the freedom of the school. 8. Whether any exhibitions are attached to it, and whether they are made available. 9. The amount of the income, distinguishing whether it is improvable or not. 10. The state of the school at the time of the inquiry, with the date thereof, as regards the instructions afforded therein, and the number of free and other scholars, with a note of such observations as the Commissioners may have made on the case; and that such Digest may distinguish and classify such schools and charities in the following manner—first, all schools in which Greek or Latin is required to be, or in fact is taught; secondly, all other schools: thirdly all charities for the purposes of education not limited to any particular local establishment. Also, Return of all Charities for the poor of any parish or district, the income whereof is or may be distributed in money, fuel, or other articles, with a note of such observations as the Commissioners may have made, on the case distinguishing and classifying such charities as follows — first, those given for the poor, or the use or benefit of the poor, without any directions or reputed directions by the donor as to the description of poor persons, or the mode of distribution; secondly, those as to which the donor has or is reputed to have limited the application only by describing the objects as poor and receiving parish relief; thirdly, those in which the donor has or is reputed to have given some other directions as to the selection of the objects of the charity, or as to the mode of distribution. Also an alphabetical index to the whole."

Sir *R. Peel* had stated last year that he thought it highly desirable that some summary remedy should be adapted for the abuses pointed out by the commissioners. He knew several cases of endowments for the education of the poor in which, owing to the neglect of the trustees the proper number of trustees had not been filled up, and consequently the acts of the present trustees were invalid. Hence they had no control over the education provided in those institutions. In one case with which he was acquainted the original appointment was, that there should be four trustees. There were now only three, owing to neglect of re-election. The master of the school had been appointed by the requisite number, and therefore his appointment being legal his removal by three trustees would be invalid. In these circumstances, no power could be had to review his acts or control the appropriation of the revenue, except by an application to the Court of Chancery. The endowment was 30*l.* a-year, which, if properly applied, would suffice for the education of the whole parish, and as the application to Chancery would cost 70*l.*, he did not think himself justified in advising them to sacrifice two years' income for the purpose. He thought it of great importance to education, and with reference to the original intentions of the testators, that some simple mode should be devised of application to a proper tribunal to provide that the trustees should be properly appointed. Such a measure might be attended with very valuable results, and he hoped the Attorney-General would turn his attention to the subject.

The *Attorney-General* said, that the object was one of great national importance. No doubt, the endowments for education were not of one tenth part the benefit that they might be. He should be glad if a good measure could be framed, but there would often be very great difficulty in carrying into effect the wishes of the testator, or in finding what he would wish at present if he were summoned back to this world.

Mr. *Hope* said, he had long thought that the best means of settling doubts on this subject would be through the appointment of a secretary for grammar schools, by whom applications might be made to the Master in Chancery.

Mr. *Estcourt* would mention another instance of an endowment, where there was an insufficient number of trustees, and the funds were consequently misapplied. He also knew a case where some of the trustees wished to resign their trusts, owing to infirmity, but though the funds were ample, the invalid trustees were going on in the office, rather than apply the funds to the expenses of an application to Chancery for the power to resign.

Mr. *Slaney* said, it was absolutely necessary for the interests of the poor that some cheaper and more effectual mode should be found for securing the appropriation monies which had been left for their education. Some system of inspection over trustees ought to be adopted. A great number of these trustees were persons in the humbler classes, who wished that the education given should be narrowed rather than extended; and he knew one instance where, whenever an examination of the scholars took place, the trustees used to rejoice rather when the children could not spell, because they said that they would make better servants.

Mr. *J. Stewart* was satisfied that the Court of Chancery without any new machinery was a proper tribunal for the rectification of these abuses. A great portion of the expense of an application, fees namely, for filing bills and for briefs, would be avoided by authorizing an application to the master without going to the court at all.

Motion agreed to.

CANADA—CLERGY RESERVES.] Mr. *Pakington* said, deep as were his feelings of indignation with regard to the whole nature of the Clergy Reserves Bill, and strong as his opinions were as to the want of policy of that act, he should, nevertheless, not go into a discussion on that wide subject on an incidental motion of this kind. The returns for which he was about to move were such as the House had a right to expect. If the Clergy Reserve Bill remained on the table of the House thirty days, it became the law of the land; the House ought not, therefore, to be left in ignorance on this subject. He was inclined to suspect either that the Colonial-office did not know the extent of this bill, or that it was disposed to conceal it from the House. They had a right to expect distinct and explicit information on this subject. He had a right to ask that they should have distinct return on the table of the limitations to be made. He therefore moved for

> "A return of 'the religious bodies or denominations of Christians,' who would be entitled, in the event of the Royal assent being given to the Clergy Reserve Bill, passed by the Legislature of Upper Canada, to receive a portion of the proceeds of the reserved lands."

Mr. *Vernon Smith* said, without saying a word on the Clergy Reserves Bill, he entertained an opinion as directly opposite to that of the hon. Member as words could express. He denied that there was any intention of concealment. He believed it was his noble Friend's (Lord J. Russell's) intention to lay the acts and ordinances on the table; further than that he did not think that the information which the hon. Gentleman seemed to require, could be obtained in this country. If the hon. Member wrote to Canada, he apprehended his object would be answered, though too late to be of use. He did not wish to oppose the motion; he only gave the hon. Member warning, that the probable answer would be "no return in the Colonial-office of this country," which would involve the necessity of writing to the colonies, and the information would arrive too late to be of use before the passing of this measure.

Sir *R. Inglis* trusted that without the necessity of writing to Canada, the hon. Member would find either in the library of that or the other House of Parliament, sufficient information on the subject.

Motion agreed to.

Lord Seaton's Pension.] Mr. *J. Parker* brought up the Report on Lord Seaton's Pension.

On the question that it be agreed to.

Sir *R. Inglis* said, in the absence of the noble Lord, the Secretary of State for the Colonies, he gave notice, that in a subsequent stage of this bill, he should call the attention of the House to the unequal measure of justice which had been awarded to another governor of that colony, Sir Francis Head. He did not object to the honour awarded to Lord Seaton, but he felt also that in the case of Sir F. Head—[Mr. *Hume*;—*Hear.*] He could understand that cheer perfectly from the friend of Mr. Mackenzie. When he considered how that man was put down not, as had the day before been stated by Sir J. Colborne, but by Sir F. Head, he could understand that what he had stated should be disagreeable to the hon. Member. He considered that under Providence, Sir Francis Head had done great service to this country, and he trusted that there would be found some occasion in which he might justifiably call the attention of her Majesty's Government to the meritorious services of that Gentleman. He was most unwilling to make that House the dispenser of the favours of the Crown. He held that they should come from the unprompted liberality of the Crown, and the unprompted sense of public services; but when he saw such services so long neglected, he felt that it was due to the public character of this country to draw the attention of her Majesty's Government to them.

Sir *C. B. Vere* said, whenever the House should be called on to assent to any declaration of the services of Sir Francis Head, he hoped it would be by a measure totally distinct and separate from any other.

Mr. *Hume* said, that when this motion about Sir Francis Head should be brought forward, he should be quite ready to prove that that man who had been branded as "a traitor" to his country, would, under circumstances of success have been called a "patriot." He could prove, and would pledge himself to prove that Sir Francis Head did not deserve the character which the right hon. Baronet had given to him. He should be very glad to prove, when the right hon. Baronet brought forward his motion, who were the parties who did put down that rebellion.

Report agreed to.

Sale of Beer.] Mr. *Pakington* moved that the Sale of Beer Bill (No. 2) be now read a second time.

Mr. *R. Alston* rose to oppose the motion. This bill, which purported to be a measure to afford facilities for the sale of beer, would, if passed into a law, effect a positive, entire, and total repeal of the Sale of Beer Act—a measure which, in his opinion, had been of the greatest possible advantage to the industry of the country. Let any man, knowing the country districts, but look to the 3rd and 14th sections of this bill, and he must see that its effect would be such as he (Mr. R. Alston) had stated. The 3rd section disqualified a person from having a beer license who was not rated at 15*l.* per year—an amount unknown in many rural districts; and the 14th section provided, that no license should be granted except upon the certificate of six individuals, each rated at 12*l.*; so that, in fact, licenses in many parts of the country could not be obtained; and hence the present Beer Act would virtually be repealed. He could not think the amount of rating was any test of a man's respectability; and with such clauses as those to which he had alluded in the bill—clauses which could not, he thought, be altered in committee—he would not allow the bill to receive the sanction of a second reading. On these grounds, and remembering, also, that at present there were no less than 45,000 licensed beer-shops in which property had been invested by brewers who had taken up the trade to supply them—remembering, also, the interference which the bill would have with such property, he should move, as an amendment, that the bill be read a second time this day six months.

Mr. *James* seconded the amendment. He admitted all the evils attributed to the present system of beer-shops, but still he thought the present bill would not have the effect of remedying those evils. The mode of improving the moral condition of the working people was not by interfering with the beer shops, but by the establishment of an improved system of police, and by the adoption of means for the better education of the people. At all events, so convinced was he of the inutility of the proposed measure as far as his county was concerned, that if the bill went into committee, he should move that Cumberland be excluded from the operation of the bill.

Mr. *R. Palmer* said, he had been a member of the select committee which sat on the original Beer Act, and for one, had always been opposed to that part of it which allowed the consumption of beer on the premises. At the same time, he had always been, and still was, favourable to a free trade in beer, provided that it should not be consumed on the premises. He thought beer ought to be sold with as little restriction as any other article. But he foresaw at the time of the passing of the Beer Bill, the evils which would follow from the establishment of beer-houses in rural districts. As chairman of a bench of magistrates he was well aware of the evils of the beer-shop system, and looking to the morality of the country, he could not but think some advantages might be gained from the bill now under consideration. He concurred in the desire expressed by the hon. Member who had spoken last for an improved system of police in the country; but as this measure would, in his opinion, be productive of utility, he should support the second reading.

Mr. *Warburton* did not think the hon. Gentleman who had just sat down could have read the bill. The first clause certainly raised the tax upon the certificates of persons where beer was sold upon the premises, but other clauses raised the rating of persons who sold beer to be consumed not on the premises, and placed other difficulties in their way—what, then, became of his admission, that he wished to see beer sold freely like bread or cheese. The object of this bill was to restore the monopoly as it existed before beer-shops were established. The complaints of Gentlemen had been hitherto confined to beer-houses where beer was consumed on the premises, but this bill would put down nine-tenths of the beer-houses of all descriptions. This was a measure not for confining the sale of beer to respectable houses, but for destroying the trade entirely. The hon. Member for Hertfordshire had alluded not to the large brewers, but to those who had brewed purposely for these houses, and who had invested large amounts of capital in their trade. Hon. Gentlemen opposite seemed to have a romantic attachment to public-houses and persons who brewed their own beer. It was nonsense to attempt preventing the same laws which regulated capital in other trades regulating it likewise in the beer trade. They heard a great deal of the immorality of their houses, but nothing of the immorality of the victualling-houses. There was tippling in clubs and in victualling-houses, and it was rank hypocrisy to talk of the tippling in beer-houses. It was proposed to put on an additional tax on the licenses. Why these houses already paid 45,000*l.* a-year more than the victualling-houses. He trusted the Chancellor of the Exchequer never would sanction such a plan. Then with regard to increasing the rating, he would contend that property was not the test of respectability, and in this he was borne out by the noble Lord the Member for Cornwall. Every crime had been attributed to these houses. Chartism, it was said, had sprung out of them. How hon. Gentlemen blew hot and cold. If you looked to Ireland and Father Mathew, they told you temperance was the origin of all evil. If you looked to England, every crime was attributed to beer-houses, so that whether the people tippled, or whether they were temperate, there was no satisfying hon. Gentlemen. The noble Lord, the other night, in allusion to the outbreak in Monmouthshire, had said that it was not the tipplers who were Chartists—the Chartists had other objects in view. There was a Mr. Wright, who attributed all the riots in the agricultural districts to the beer houses. He was glad to hear that charge, because it showed what excellent historians hon. Gentlemen were. Those riots occurred before the Beer Act came into operation. The fact was, that hon. Gentlemen opposite wished to get back the power they had lost by this Bill. The remedy for crime was what hon. Gentlemen opposite were so averse to—a good system of police, and an extension of education. He hoped, if the bill reached a committee, the present Chancellor of the Exchequer would adopt the course pursued by his predecessor.

Lord *Sandon* would not follow the hon. Gentleman in attributing motives; the complaints against the Beer Bill originated not with the magistrates alone, but with all classes of the community. The whole of the Roman Catholic clergy of Liverpool had petitioned against the present beer-laws. He intended to adopt the course he had pursued last year when the bill was in committee.

The *Chancellor of the Exchequer* would not attribute motives to any Gentleman. Undoubtedly, there was a great and, he believed, a most exaggerated idea throughout the country of the evils produced by these Houses. The hon. Gentlemen opposite must be aware that there was an interested and a rival party which had been very active on this subject—he meant the licensed victuallers. They had, during the course of last year, instituted a very active canvass on this subject, not on the score of morality, but because they thought by putting down beer-houses they should improve their own property. That, however, he believed to be a most mistaken view, and he thought that if a bill similar to that which was brought forward last year in the House of Lords, were to pass into a law, the result would be, that they would have annual motions on the subject, and the licensed victuallers would be placed in the same situation in which the beer-sellers were now placed: they would not know, for twelve months together, whether they could venture to carry on their trade or not. He should, with regard to this bill, pursue the same course that his noble Friend had pursued last year with regard to a similar bill, and not oppose the second reading. There were two modes of considering this question—the one was by returning to the old system of monopoly, and destroying beer-houses altogether; and the other was by the introduction of measures for their better regulation. If he thought the object of the right hon. Gentleman in introducing this bill was to return to the old system, he should feel bound to oppose its second reading—but he believed his only object was to introduce a better system of regulation. It was, however, his duty to look narrowly into the provisions of the bill, in order to guard against its having the effect of destroying, when it was only desirable to regulate. He did not disapprove of the regulations being made applicable to houses which only sold beer, as well as those where the beer was consumed on the premises, because the result of limiting its application to the latter description of houses would be, that persons would take out a license for beer to be sold out, and they would violate the law by permitting it to be consumed on the premises. The hon. Gentleman the Member for Berkshire had admitted, that those houses which sold beer for consumption off the premises ought to be encouraged; it therefore behoved them to be very careful in the examination of the provisions of this bill, as if they were of too stringent a nature, it should be recollected they would act equally upon those whom they ought to encourage, as well as upon those whom the hon. Gentleman wished to discourage. He was of opinion that the rating and rental were, by the proposed bill, fixed at much too high a rate. The object of the hon. Gentleman he understood to be, merely to put down those houses which were the worst conducted, and, from returns which he had seen, he did not think that object would be attained by the means proposed. He must object to the rating clause—the operation of it in the rural parishes must necessarily be, to throw the trade in beer into the hands of one or two individuals, and a great power into the hands of the squire or his steward. So also the necessity of certificates. The result would be, that no one obnoxious to the steward would ever get their licenses. The bill required six certificates from persons rated at 12*l.*, so that if a butcher or a baker were rated at the desired amount, the applicant for his certificate must deal with them under all circumstances. If such a system was necessary, he would rather, much as he would object to going back, but if such a power were absolutely necessary, he would rather again lodge the power in the hands of the magistrates, for they were gentlemen acting openly before the public. They might pass what laws they pleased, but until they had an effectual and efficient police, they would do no good. He had refrained from bringing the question before Parliament, because the House of Lords had, last year, agreed to resolutions which showed him that they would not agree to anything but a return to the old system. He strongly deprecated the annual agitation of this question; its only effect must be, to prevent any prudent or honest man from venturing his property in a trade which he is not sure he will be allowed to continue for six months. For the reasons he had given, he would not oppose the second reading of the bill, but if it were not greatly altered in committee, he should feel it his duty to oppose it in a future stage.

Mr. *Darby* expressed his determination to support the second reading of the bill, and said that something was necessary to be done to put an end to the present system. He asserted that the class of persons who frequented public-houses were very different from those who were to be found in the beershops. It was an ascertained fact that no respectable labourer would go into a beerhouse. It was in the beerhouses that nightly robberies and all other crimes were concocted. Notwithstanding what had been said about the increased consumption of malt and hops, his belief was that the farmers would be better pleased to have a greater degree of security and a less consumption of those articles. There was a growing feeling throughout the country that the nuisance of beerhouses ought to be got rid of; and, although a police force was now the panacea for all ills, he was convinced that even if they had a policeman to every one thousand persons, they could not prevent the mischief which resulted from beerhouses. The truth was, that beerhouse-keepers were men of straw, put in by brewers—they were the mere servants of the brewers; and while things remained in their present state there could be no doubt that attempts would be made to remedy an evil with which it was the duty of the Government to deal effectually. The statement of the noble Lord the Member for Monmouthshire was perfectly true; for he knew that it was at the beershops, and not at the public-houses, that meetings for criminal purposes were held.

Mr. *Gisborne* admitted that this bill was more moderate and less objectionable than any previous measure; but although, the right hon. Gentleman (the Chancellor of the Exchequer) had spoken of it as a measure for regulating beerhouses, he regarded it as a bill for their suppression. As this measure was totally opposed to the Act which it sought to amend, and would suppress and not regulate this trade, he felt no difficulty in determining to give his vote against the second reading.

Sir *T. Fremantle* said that, although he approved of the principle of his hon. Friend's bill, he would express no opinion as to its details. Like a good tactician, his hon. Friend had put into his bill more than he wished to carry; but without discussing the nature of the restrictions which the measure proposed, it was impossible for them to conceal from themselves the fact that the beerhouses constituted a most serious evil. He attributed this to the trade being overstocked, and that the number of those houses greatly exceeded the wants of the community. Without encouraging bad characters the beerhouse-keepers could not make a living. Without touching the question as to rating being a test of respectability, he could not help observing that it was perfectly true that there were no persons of either property or capital in this trade. They were for the most part the mere servants of the brewers. The hon. Member for Bridport had denied that the beerhouses were established prior to the disturbances of 1830. This however, was not the fact, because it was in 1830 that the bill establishing them passed, and it was in the autumn and winter of that year that riots and disturbances took place. Indeed, of the two persons who were left for execution at the Buckingham special commission one was the keeper of a beerhouse; but he mentioned this circumstance only to shew that these houses had given facilities to dishonest and wickedly disposed persons. The right hon. Gentleman the Chancellor of the Exchequer had said that the reason why he did not take the matter up was because of the resolutions of another place last year; but could it be doubted that if the right hon. Gentleman were now to introduce a salutary measure it would receive the attentive consideration of the other branch of the legislature? Before the right hon. Gentleman hazarded such an assertion, he surely was bound to make the experiment.

Mr. *M. Philips* had long been convinced of the policy of legislating upon this subject. Two years ago he had suggested the appointment of a Select Committee, and had that suggestion been acted upon, he was sure the House would have been enabled, even in the very same session, to have passed some satisfactory measure on the subject, because they would have had clear and positive testimony upon which to proceed. He confessed that in some parts of the country with which he was acquainted, the present system worked so defectively as to convince him of the necessity of some legislative measure, in order to protect the moral as well as general condition of the working classes. He would vote for the second reading of the bill because he thought that the principle it involved, would, if properly worked out, effect that object. He however, hoped, if the bill went into Committee, that such clauses would be introduced as would remedy the abuses which existed in agricultural districts, and at the same time afford a free scope to trade and an adequate supply to the poorer classes.

Mr. *Gillon* rejoiced at having an opportunity of entering his protest against a measure of so tyrannical a nature, and of expressing his disgust at this species of petty interference with the comforts and recreations of the poorer classes. When hon. Members who supported this bill would consent to regulate the number of bottles of wine to be drunk at their own tables, then, and not until then, would he consent to such a measure as this. They first complained of the great consumption of spirituous liquors, and now that they had got a good beer bill they were not content, and wanted to drive the people back to their former habits, or something worse.

Mr. *Estcourt* protested against the doctrine that those who would vote for the second reading of this bill, amongst whom was the right hon. Gentleman the Chancellor of the Exchequer, and who thereby merely professed to be desirous of amending the present system, were by any means anxious to destroy or interfere with the comforts of the poor. He had no objection to beer-houses when they were well-conducted, but he would ask whether those beer-shops which were erected under hedges, and over which no superintendence could be exercised, could be conducive to the happiness or the morality of the people? He called on the Chancellor of the Exchequer to take this measure into his own hands, for the reason which the right hon. Gentleman had given for not doing so, was most unsatisfactory. The resolutions which had been passed in another place were certainly not sufficient grounds for the Government refusing to bring forward a remedial measure upon this important subject. He should give his vote in favour of the second reading of this bill.

Mr. *Hume* agreed with the hon. Member who had just addressed the House, that the Government ought to take this measure into their own hands. Whatever others might do, that House was bound to perform its duty, and they ought not to be influenced by resolutions passed in another place. He approved of the principles of the right hon. Gentleman, the Chancellor of the Exchequer, and he should be glad to see the right hon. Gentleman take this measure into his own hands. He trusted, that whatever might be done on this subject would be done by the Government. He could not give his consent to this measure, and he thought the people had just grounds for complaining of the course of legislation pursued in that House, as it too often interfered with their comforts and amusements, and exhibited a partiality for the higher classes. Why should not the poor man be allowed to spend his twopence in any manner he might think proper, as well as the hon. Member who had brought forward this measure, his half-guinea or guinea, upon wine? Why, if the principles of the hon. Gentleman were to be adopted, should not hon. Members interfere with those who spent their money and ruined their health in taverns, as well as with those who went to beer-shops? The reason was, because the hon. Member was one of that class himself. If it was right to put down beer-houses because there were some of the keepers of those houses who could not make a living, then they might just as well limit the number of butchers and bakers, because all those employed in those trades were not equally prosperous. The effect of this bill would be to create a property qualification for the sale of beer, and that was carrying the principle of a property qualification to a very improper extent. If a property qualification was to be required for the sale of beer, why should they not require grocers, and bakers, and butchers, to possess a house of the value 8*l.* or 10*l.* before they were allowed to embark in their respective trades? How was it possible to have men of property in beer-houses when every year the Legislature was threatening those houses with destruction? This bill would not put down crime, and the only way to diminish the amount of crime was to extend the means of education to the people, and in that manner they would go to the root of the evil. He contended, that the object of this bill was to keep up the influence of the magistrates in the counties. Upon the whole, he considered this a most unjust and objectionable measure, and he should certainly oppose the second reading.

Mr. *Rice* would support the second reading of the bill, and his object in doing so was thereby to declare, that some measure of this kind was necessary. He, however, would not pledge himself to support the details when the bill came to be considered in committee, and he agreed with those who wished that the Chancellor of the Exchequer had taken the subject into his own hands.

Mr. *Protheroe* supported the bill, and said, that he had gone into beer-houses, and found that the beer sold there was mere trash. The Legislature had failed, by its former Acts, in giving a wholesome beverage to the public, and he thought that in supporting a measure of this description, he should be contributing to the comforts, the happiness, and the morals of the poor.

Mr. *Muntz* could not allow this bill to go to a second reading, without stating his objections to what he considered a most unjust and unnecessary measure. He had yet to learn why beer was not to be sold as other articles. His experience on the subject was very considerable, and, so far as that went, he had never seen a great increase of crime occasioned by the beer-houses. One circumstance Gentlemen had forgotten, or, rather, perhaps, never knew, when they said, that if the beer-houses were shut up, publicans would not take in the same men. They were much mistaken. All publicans had two classes of customers—one higher and one lower, and took low company as well as the beer-houses. He believed there had been a great increase of crime, and particularly within the last twelve months, but to what was it to be attributed? Not to the beer-houses, but to the pressure on the working classes, which always increased crime; but if he could agree to the general principle of the bill, there was one provision in it he could never vote for, which was the disfranchisement of those parties who now held licenses under a certain amount, which he considered would be most unjust—as unjust to the beer-house keepers as the establishment of beer-houses was to the licensed victuallers.

Sir *C. Burrell* considered that a measure of this description was absolutely necessary, for the existing Beer Act had been most injurious in its operation, and had completely disappointed the wishes and intentions of the Legislature. It had been stated that this bill was introduced for the purpose of keeping up the influence of the magistrates, and he could only say in reply to that charge, that the power of licensing beer-houses was one of all others the least desired by the magistrates. He knew that in many parts of the country the morals of the people had been greatly injured by the existing act, and he thought that it was the duty of the Legislature to pass some remedial measure of this description.

Lord *G. Somerset* said, that the present beer-house system had been productive of an injurious effect upon the morals of the people in all the mining districts of the country. In that particular district where there had recently been disturbances, it was the unanimous opinion of the magistrates who had been employed for a length of time in the investigation of those disturbances, that the beer-houses had much to do with the unfortunate disposition of the people. It was at those beer-shops that the people congregated, and it was there that they read those inflammatory publications which had so strong an influence over them. That was the unanimous opinion of the magistrates, an opinion which he believed had been expressed in a communication made to the Government. In that opinion, too, the mayor of Newport, himself a Liberal, had concurred. He therefore thought that something ought to be done in order to remedy the evil which was allowed to exist, although he would not agree to all the provisions of the bill before the House. That, however, was no reason why he should oppose the bill going into committee, where alone its details could be amended. He should therefore vote for the second reading.

Mr. *B. Wood* thought it was impossible that a bill containing so much that was objectionable could ever be carried into operation after what had fallen from the right hon. Gentleman the Chancellor of the Exchequer. In his opinion, a measure of this description ought to be taken up by the Government. The House had created the property which now existed in beer-shops, and he thought it would be exceedingly unwise should they now interfere to destroy it.

Mr. *Pakington* said, that on a former occasion the hon. Member for Bridport had interfered in such a manner as to prevent the progress of this bill at that time, but the hon. Gentleman had not done so till after he had made his statement to the House. Having, then, addressed the House, at the period to which he alluded, at considerable length, he should only trouble them with a few observations on the present occasion. During the whole debate he had not heard anything which ought, in his opinion, to induce the House to refuse its assent to the second reading of this bill. The details could be amended in committee if they were found objectionable, but he thought it could not be denied that some measure of the kind was necessary to remedy the evils which were allowed on all hands to exist. A great number of petitions had last year been presented upon this subject, and the magistrates of from thirty to forty counties has come to that House, praying by petition for some alteration in the present beer-laws. These petitions were not confined to one class of politicians, for they came from men of all parties, and the magistrates had been strongly supported by the clergy and by the most influential inhabitants of the country districts. A number of petitions had that night been presented in reference to this bill, by the Chancellor of the Exchequer, and by the hon. Member for Bridport and other hon. Members, and what, let him ask, was the character of those petitions? He believed every one of them came from beer-sellers, and he therefore contended that they were not entitled to the same weight as those petitions which came from the magistrates and clergy. The mover of the amendment had said, that this was a measure of repeal, that it was of a destructive character, and that he would therefore oppose it. But let them contrast that statement with what had fallen from the seconder of the amendment. The seconder of the amendment said, that the system of beer-houses had been productive of an increase of crime, and he had opposed the bill, because in his opinion its provisions did not go far enough. Looking at these conflicting statements, he was inclined to draw the inference that this was a fair and moderate measure, and he contended he was not open to the charges which had been made against him. Some persons thought that the Beer Act ought to be repealed, and others that the consumption of beer on the premises only ought to be prohibited, but he had not adopted either of those plans, and he thought that the plan which he had proposed was reasonable and moderate. He had been charged with having a wish for repeal, and with a desire of restoring a monopoly to the magistrates, but he must deny that he was open to those charges. This was not a sweeping measure, and if it could be proved in committee that any of the provisions of the bill were unfair and oppressive, he should be ready to alter them. It had been said that this measure would do away with nine-tenths of the beer-houses, but such was not his wish, and he believed that that statement was a great exaggeration of what the real effects of the bill would be. He was convinced that if this bill were passed to-morrow, there would be no diminution in the consumption of beer. He was asked, why not deal with the licensed victuallers? But they were not within the scope of his bill, as they were under the control and superintendence of the magistrates, while the beer-houses were not. He was sorry the Government had taken the course it had adopted upon this question. He quite agreed that this was a bill which ought not to be in the hands of a private Member of Parliament. He had only taken it up because the Government had refused to grapple with the evil. At all events, it was the duty of the Chancellor of the Exchequer, admitting, as he did, that the beer-houses required regulation, admitting the necessity of legislation, either to take the bill out of his hands, or to render him every assistance in his power to enable him to accomplish his object.

The House divided on the original question.—Ayes 110; Noes 30; Majority 80.

List of the AYES.

Acland, Sir T. D.
Attwood, W.
Bailey, J.
Bailey, J. jun.
Baines, E.
Baring, rt. hn. F. T.
Barnard, E. G.
Barrington, Viscount
Basset, J.
Bell, M.
Bethell, R.
Blackburne, I.
Blakemore, R.
Bradshaw, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Burroughes, H. N.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chetwynd, Major
Compton, H. C.
Darby, G.
Duffield, T.
Dundas, C. W. T.
Du Pre, G.
Eastnor, Viscount
Egerton, W. T.
Estcourt, T.
Evans, W.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Greene, T.
Grimsditch, T.
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hawkes, T.
Heathcote, G. J.
Hector, C. J.
Henniker, Lord
Hepburn, Sir T. B.
Hindley, C.
Hodgson, R.
Hope, hon. C.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jermyn, Earl
Jones, Captain
Kemble, H.
Knight, H. G.
Lennox, Lord G.
Lennox, Lord A.
Liddell, hn. H. T.
Lygon, hn. General
Mackenzie, T.
Mildmay, P. St. J.
Miles, W.
Monypenny, T. G.
Mordaunt, Sir J.
Packe, C. W.
Paget, Lord A.
Palmer, R.
Parker, J.
Parker, R. T.
Patten, J. W.
Pendarves, E. W. W.
Philips, M.
Plumptre, J. P.
Praed, W. T.
Protheroe, E.
Pusey, P.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Sandon, Viscount
Scarlett, hn. J. Y.
Shaw, rt. hon. F.
Slaney, R. A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Teignmouth, Lord
Thornhill, G.
Townley, R. G.
Turner, W.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Walker, R.
Welby, G. E.
White, A.
Winnington, Sir T. E.
Winnington, H. J.
Worsley, Lord
Wyndham, W.
Young, Sir W.

TELLERS.
Pakington, J. S.
Sanford, E. A.

List of the NOES.

Beamish, F. B.
Busfeild, W.
Duke, Sir J.
Ewart, W.
Finch, F.
Gillon, W. D.
Gisborne, T.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hume, J.
Humphery, J.
James, W.
Johnson, General
Jones, J.
Marsland, H.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Pryme, G.
Rundle, J.
Scholefield, J.
Strickland, Sir G.
Thorneley, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Ward, H. G.
Williams, W.
Wilshere, W.
Wood, B.

TELLERS.
Warburton, H.
Alston, R.

* * *

HOUSE OF COMMONS,

Wednesday, April 1, 1840.

MINUTES.] Bills. Read a first time:—Parochial Assessments; High Court of Admiralty; Judge of Admiralty Courts Salary; Insolvent Debtor's (Ireland); Exchequer Bills; Public Works; and Tobacco Regulations.

Petitions presented. By Mr. F. French, from Medical men, complaining of the Unequal Distribution of Anatomical Subjects.—By Mr. Baines, from Bishops Storford, Mr. Aglionby, from Cockermouth, and Mr. Bowes, from Stockton-on-Tees, against Church Extension.—By Sir James Graham, and other hon. Members, from Daventry, and several other places, in favour of Church Extension.—By Mr. T. Duncombe, from Glasgow, for Universal Suffrage, and Vote by Ballot.—By Mr. Wallace, from the Chamber of Commerce of Greenock, for an Alteration in the Duty on Ground Rice.—By Sir De Lacy Evans, from Householders of Westminster, by Mr. Baines, from Leeds, by Mr. Aglionby, from Cockermouth, by Mr. Greg, from Manchester, Norwich, and thirty-eight other places, by Mr. Marsland, from Stockport, by Sir H. Fleetwood, from Preston, by Mr. Oswald, from Glasgow, by Mr. Dennistoun, from Linlithgow, Cumbernauld, Arbroath, Calton, Stonehouse, and eighteen other places in

Scotland, by Mr. Ewart, from Annan, Wigan, Ormskirk, and other places, by Mr. Brotherton, from fifty different places, by Mr. Strutt, from Derby, by Mr. Barnard, from Greenwich, by Lord Sandon, from Liverpool, by Mr. Gisborne, from Glossop, Derby, by Mr. P. Scrope, from Stroud, by Mr. C. Berkeley, from Bristol, by Sir G. Strickland, from three places in Yorkshire, by Mr. Divett, by Mr. Wakley, six petitions, by Mr. Briscoe, from Westbury, by Mr. Grote, from the city of London, from Trowbridge, Wellingborough, and other places, by Captain Pechell, from Sussex, by Mr. Scholfield, from Birmingham, by Mr. Hume, from Wrexham, and nine other places, by Mr. V. Smith, from Northampton, by Mr. Hindley, by Mr. E. J. Stanley, from two places in Cheshire, by Viscount Morpeth, from Dewsbury, by Mr. Bowes, from Elwich-hall, Durham, by Mr. Easthope, from the Total Abstinence and Democratic Association of Leicester, and by Mr. Villiers, from the Inhabitants of the city and borough of Oxford, and various other places, all for the Abolition of the Corn-laws.—By Lord Eliot, from Bodmin, and other places in Cornwall, by Mr. Plumptre, from East Kent, by Mr. Darby, from Sussex, by Mr. Sheil, from the county of Tipperary, by Colonel Lowther, from Westmorland, by Sir E. Hayes, from Donegal, by Lord Castlereagh, from the county of Down, by Sir J. Tyrrell, from Essex, by Sir T. Acland, from twenty-four places in Devonshire, by Sir C. Burrell, from Sussex, by Mr. Blackstone, from Berkshire, and by Mr. M. Archdall, from Fermanagh, for Retaining the Corn-laws.

Corn-Laws.] Mr. *Villiers*, said, Sir, in rising to propose the question of which I have given notice, I beg to apologize to the House for its postponement till this evening. I assure the House that it proceeded from a cause which I could not control, arising as it did from indisposition—an excuse, indeed, which I could offer with great force this evening, but learning that many persons expected that the subject would be discussed this week, I determined that, if possible, no other delay should occur on my account. The circumstance, however, only adds to the many considerations that now present themselves to my mind to make me regret that it is still in my hands to make this proposition to the House. The subject is now assuming a very serious aspect in this country; it is engaging the attention, as it is affecting the interest of the great mass of the community, and whatever the House may think, questions of this character, affecting as they do the commerce, the employment, and the condition of the people, excite among them an interest far exceeding any other. I wish, therefore, that the question was with those who could do more justice to it than myself, and still more that it was with those who had the power to do the people justice. I had, indeed, well hoped that 'ere now, that the landed proprietary of this country, would, in consideration of that deep distress which is now pervading and bearing down the productive classes of our community, have given some sign of intending to relax the rigours of their law, and that what has hitherto been denied to the claims of justice, might yet have been granted on the grounds of mercy. Three months have, however, passed away since the Parliament assembled, and not a whisper of such an intention has been heard; on the contrary, the same querulous note has been sounded in another place about agitation, and the same haughty and ill-placed observations respecting its object; while, in this House, we have seen that the usual efforts have been made to procure some proof of opinion in favour of the law, but, in truth, proving nothing but the influence so commonly used by the landholders over their dependents; and showing nothing, as it appears, but the determination of the class to maintain the law unchanged. Having, however, mooted this matter before in this House, some confidence is placed in me that I will not suffer it to slumber; and I cannot, therefore, allow more time to escape without asking the majority of this House to reconsider the decision they gave on it last Session, and seriously to review the grounds on which they rested their opinion, and which I apprehend to have been, that the law works well, that it has satisfied the purpose for which it was enacted, and that it ought to be maintained. A bold conclusion, I think, to have pronounced last Session, but one I think, that will require more courage to repeat; I, therefore, shall restate some of those facts and arguments which have led me to the honest conviction that the law is bad, that it has worked ill, that it has caused, and is causing great loss and suffering to the productive classes, and that it now casts upon the community a fearful addition to those burthens which it is at all times compelled to endure: and were I to state further what prompts me to press this matter again on the House, it is that I believe that a day has not passed since the last discussion, that either from personal suffering or greater intelligence, fresh converts have not been made to the repeal of this law, while I do not believe that one human being would be produced, who having been either indifferent to the law before or opposed to the law, has since become a convert to its continuance; and I regret the importance which I know I must attach to this circumstance, for I fear it will greatly outweigh any argument that I could adduce on the subject. For I cannot persuade myself, that unless there was a general impression in both Houses of Parliament, either that great ignorance or general indifference prevailed among the people on the question, that those who take a prominent part in these discussions, would utter the things which we hear on the subject. For not only do we hear that the Corn-law is a necessary evil, but that it is a positive advantage; and the advocates of repeal have it thus cast upon them to prove that an abundance of the essential of life, which in its abundance gives further means of satisfying the wants of life, is better than that dearness and scarcity that deteriorates the condition of all. However, if this task has to be performed again, the moment is, perhaps, favourable for the purpose. For it is almost difficult to believe, that if those who argued in favour of the law last year, could have known that their statements would have followed so close upon the heels of events which afforded to them such complete denial, that they would have uttered them, or indeed perhaps if it could have been expected that we on this side should have had the sad advantage which the distress of the country this year affords us, the decision on the question might have been different. I am not going to deny, however, that there has been great misapprehension on the subject of the Corn-laws, that mystery has been artfully thrown round the question, and that thousands are only, at this day, viewing the question in the true simplicity of its character. I shall, therefore, consider it with all the calmness and deliberation which should attach to a question that admitted of dispute; and I shall, as I have done on former occasions, proceed to consider the object of the law. The object of the Corn-law, then, may be simply stated to be, to limit the quantity of food imported from abroad, for the purpose of raising and maintaining the price of that which is grown at home, this is the object as it is to be collected from the avowed purpose as well as the provision of the law. The policy of such legislation seems to belong to the present century, and we are now living under the third legislative experiment that has been made for the purpose. In 1804, Mr. Western's bill passed into law, this was followed by the law of 1815, and we are now living under the enactment of 1828. Each of these laws have professed the same purpose, namely, to keep lands in cultivation, to keep the people in employment, and to secure to the cultivator a certain price for his produce; to each, also, have the same objections been offered, namely, that such policy may be at variance with the public good, that the interests of the community may be sacrificed by maintaining particular soils in cultivation; and that, as the price of produce depended upon circumstances beyond the reach of legislation, that the law was only calculated to mislead those who relied upon it. The justice of such objections with respect to two of those laws is now matter of history. Mr. Western procured his bill by stating that thousands of acres would otherwise be thrown out of cultivation, and that a proportionate number of labourers would be thus rendered destitute. Now, Sir, I believe I state the fact, when I say that after the passing of that bill, that the ports never were closed; and that so far from land going out of cultivation from this circumstance, that within six or seven years after it had passed, produce had risen nearly 300 per cent above the price that he had fixed as remunerative. Next came the law of 1815, which proposed to make the community pay for its food at the price which it had reached during the war, and in a depreciated currency, and that for ever. I have a right to say, that that was the deliberate intention of the Legislature, because there was an hon. Member, at that time in this House, whose eager and able exertions on that occasion to expose what he called the iniquity and injustice of the law, excited general attention, and he made a distinct proposition that if such a law were to pass, that it should not exist beyond the time when we should place our currency on a more sure basis—in short, when we should resume cash payments. I need not say I allude to Mr. Baring, who has since become Lord Ashburton. He made that proposition to the House, but it was rejected. Sir, it is no longer matter of question, that that law was a failure in every respect. It failed to give profit to the producer—it failed to give plenty to the people—it failed to maintain steadiness of prices, and it failed even in that which might have been expected from it, namely, in giving wisdom to those who projected it. It was introduced amidst the curses of the people—it seems to have expired without more favour from its friends. But in 1828, its failure did not seem to be ascribed to the purposes which it sought to obtain, but only to the means which were adopted for its attainment. It was thought, still, that it was possible to fix the price by law at which the produce could be sold, and to secure the cultivator the price which he expected. It was only considered the means had not yet been discovered by which that object should be attained, and it was in 1828 that this discovery was thought to have been made, and the scheme of a sliding scale was suggested for meeting the wishes of the agriculturists; and I take it we are now to consider whether this scheme, which was devised in 1828, has succeeded or not. There are some who think that it has worked well—that it has accomplished every object intended, and I hope they will prove their case. I certainly am of opinion that it has only verified every prediction of evil that was likely to attend it, and I think I can show it has done so. I do not think the public require much information on the subject; but they are watching this discussion, and I trust that they will consider well on which side the truth prevails. Now, Sir, I contend that the present law is a complete failure; and when I say so, I refer, perhaps, rather to its avowed object than to that which may have been intended, though not avowed, I contend that it has failed to benefit agriculture, though perhaps it has succeeded in greatly raising the value of land. And it is very important here to distinguish clearly between what is called agriculture and the ownership of land. These interests are, in many respects, distinct; because, however, in some degree, they are the same, the landowners claim for themselves all the arguments usually advanced in support of the law that have only reference to agriculture. Now, the fact is, the connexion is not nearer between the cultivation of the land and its ownership, than between a house and the business carried on in it; or between the merchant and his banker, who may lend him the capital to conduct his business; or between the manufacturer and the person of whom he purchases the raw material. These interests are in some material points distinct, and nobody confounds them; and there is no more reason for confusion between the cultivator and the owner of the soil, than between those interests. The landowner may hardly know where his property is, he may be unable to distinguish one kind of produce from another; he may live abroad, and know no one connected with his property but the receiver of his rents; and again, the cultivator may be equally ignorant of any circumstance connected with the ownership of the land, beyond the price he pays for its use. The distinction, however, is so obvious that I would not have troubled the House by stating it, but for a singular confusion which is made in this respect in arguing for the law, and that under the general term agriculturists, we hear the most exaggerated pretensions put forward, based on the assumed interest of landlord, farmer, and labourer. These interests, however, being in so many respects distinct, it is important that they should be so viewed. Now, with respect to the necessity or policy of legislating at all for the particular interest of the agriculturist or the farmer; what does it consist in? What would he desire the law to do for him if it could? Why, probably, to enable him to get the return for his capital that he expected, and that is, what I suppose, every capitalist would wish; in fact, to be made sure in his calculations, and obtain the profit he expects; and this is, in truth, what the Corn-law promises it will do for him, and does hold out the expectation of something like certainty and steadiness in this respect. We have now to examine how far it has realized his expectations: the first fact then that is to be observed is, that since the passing of this law, there has been every variation in the price of produce, and that the farmer has experienced great distress and disappointment, which at least seems to lead to the conclusion that this law has not averted the evil apprehended by the agriculturists. But the next question is, whether this has not been actually caused by the law? This I believe can be almost demonstrated, and I collect the proof of it from the agriculturists themselves—not to have referred to their opinions as it has been collected by this House, seems to have been an omission in the previous discussions upon this question; the fact is, that those who complain of this law, are usually so much occupied with showing the gross injustice of the law, that they have as yet paid little attention to the evidence against it by those for whose interest it is professed to be maintained; but there has, however, been a great body of evidence collected by the House, and given under circumstances which compel us to give it credit; and to which the public ought to have its attention directed; for I do say, that if there is one conclusion before another to which a candid inquirer would arrive after reading that evidence, it is, that the law is extremely prejudicial to the farmer—and that it has occasioned distress and disappointment to all of that class who have trusted to it. This is an important consideration, because there are many now who distinctly see the injustice of the law, but yet from fear of the consequences of its repeal to the persons who have invested their capital upon the faith of its continuance, are yet slow in calling for its repeal; and now, at the risk of wearying the House hoping to be excused by the importance of the question, I shall proceed to read some extracts of the evidence collected in 1836, by the agricultural committee appointed in that year. The first person whose evidence I will advert to is that of Ellis, a Leicestershire farmer, who is asked whether the distress of the time had any connexion with the Corn-law—and he says in reply that he thought the present duty too high, because it gave a fictitious value to land, and that it gave the farmers an expectation of something that could never occur; and on that account, it holds up the value of land fictitiously. This question is then put to him; then you think it induced the tenants to make larger offers than in the result they have been able to pay? I think so, farmers are prone to expect high prices, and they have been expecting something that was not likely to occur.—

Mr. Parker, an Essex farmer, is asked:—

"Do you consider, that the distressed state of those farmers can be at all attributed to the rents not having been lowered sufficiently in time?—I should say very materially, the landlords not prudently lowering their rents earlier than they have done.

"The farms would have been in better condition?—Yes; it has been by persisting in the high rents that the farms would have been worked out of condition, and then no person would take them except at a very low rent.

"Do you think, that they (the Corn-laws) hold out hopes of a continuance of a higher rate of price than can ever be realised?—The Corn-laws have been in operation but a few years, they commenced with large foreign supplies; we have been only put on our own growth the last four years; I do not think if the present laws continue, that we should be often interfered with by foreign supply.

"Take the whole of the farmers in the county of Essex, do you think, that they are possessed of as much capital now, as they were in 1821?—Certainly not.

"Then they have been labouring now for fifteen years, and have expended a great deal of industry, and skill, and capital, with no return at all, as a body?—They have been parting with their capital, a great many of them, to their landlords, and to other persons, whose charges upon them were excessively high."

Mr. Cox, of Buckinghamshire, gives this evidence:—

"For the last three years you have been farming that land to a profit?—Decidedly not to a profit.

"Should you say that the cultivation of Buckinghamshire has fallen off within the last eight or ten years?—I should say so, in the neighbourhood in which I live.

"In what respect?—The land is getting very foul and overcropped; in some places, driven further than it should be."

Mr. John Houghton, a gentleman of great experience, states:—

"Have you not arable farms in the county of Buckingham, over which you are steward?—Yes, I have.

"What is their state now compared with the state of the grazing farms to which you allude?—On the heavy clay lands the distress is very great, more than it is on the turnip and barley lands, or grass land.

"How do you account for that distress upon the clay lands?—From the low price of wheat.

"Do you find, that the capital of the farmesr has been dimishing?—Certainly; I think the great distress has been on the heavy land farms.

"Have their farmers been paying their rents out of their produce, or out of their capital?—If you take the heavy clay land, certainly out of their capital.

Mr. John Rolfe, farmer of Buckinghamshire, gives this evidence:—

"Do you use wheat for any other purpose, but that of human food now?—I have not done it; some have ground wheat for the pigs; some have given it to their horses, but that was principally the grown wheat of the last harvest but one.

"What is the cost of the cultivation of your farm per acre now, as compared with what it was some years ago?—The cost of cultivation is very much the same; there is a little difference in the price of labour.

"Can you state how rents are paid in your district?—Rents have heretofore, till the last two years, been very well paid.

"How have they been paid since 1833?—They have been paid very badly.

"Even on the light soils you speak of?—Yes.

"There is more wheat grown upon land now?—Yes.

"Supposing there should not be a corresponding demand for wheat in proportion as that class of land increases, it must make the heavy clay land less profitable?—Yes.

You do not complain of the price of mutton now?—No.

"Of wool?—No.

"Of barley? you cannot expect much increase in that?—No, not much.

"Oats?—Oats we should wish for a little increase.

"Beans?—If we had 4*s.* a quarter more, we should not have much fault to find.

"The chief complaint is on account of the depression in the price of wheat?—Yes, that is where the farmer is suffering most; that is where he looks for his rent in the spring of the year, when he should have the price of his wheat to raise the money for his rent; when he is looking for a large sum of money to meet his payments; when he comes to thresh out and carry to market, his expenses almost take the whole price.

"What will become of the landlord?—We shall be all beggars together."

Mr. John Curtis, another Buckinghamshire farmer says—

"Has the capital of the farmers in your opinion diminished?—I should say considerably.

"Will you state in what way farmers are worse off?—In the first place, they have cropped their land hard, and it is now getting into bad condition; it is getting foul, and the stock diminishes.

"Now looking at the different descriptions of soils; first of all the grass, has the produce of your grass enabled you to pay the rent upon the grass land?—What little grass I have is very good; that is the best part of my farm.

"You have stated that the condition of the labourers is good; you mean those that are employed?—Those that are employed; and there are very few out of employment.

"Chairman: Has the poor-rate been reduced lately?—Yes; the Poor-law bill works well with us."

Mr. John Kemp, an Essex farmer gives this evidence:—

"Do you consider, then, that the quantity of wheat in the market has been the cause of the depression of the price?—I should say so.

"Has the capital of the farmers in your neighbourhood, and under your knowledge, diminished or not?—Very much diminished.

"What was the rate in your parish previous to the passing of the Poor-law Bill, and what is it now?—Our expenditure in the parish used to be 1,600*l.*, and last year it was not more than 1,200*l.*

"What is the state of the small farmer about you; the man who rents an hundred acres?—As bad off as the poor man.

"Are farmers paying rents from their profits or their capital?—From their capital.

"Taking the labourers as a body, are they as well employed as they used to be?—They have been very well employed for the last three years.

"Do you think, that upon the average, the higher price, from a scarce season, compensates the farmer for the deficiency of his crop?—No; for at the time when corn was so high, about six years ago, during the wet seasons, we were certainly worse off than we are now, and wheat was much higher."

This is from the evidence of Mr. Thurlwall, of Cambridgeshire:—

"What, in your opinion, is the condition of the tenantry generally in your neighbourhood?—I think verging on insolvency, generally in the most desperate state that men can possibly be."

Mr. Charles Page, in Essex, farmer, is asked:—

"Have you lost or gained this last year upon your farm?—In fact, I have lost every year since I have been in business.

"Have you lost principally upon the wheat or the barley crop?—The loss upon the wheat crop I think is the most material."

Mr. George Babbs is asked:—

"Do you believe whether the farmers are paying their rent out of capital, or out of the profits of their farms?—I believe the farmers have been paying their rents out of the capital they employ.

"Is that your case?—It has been my case.

"Has the land been cropped harder in your neighbourhood than it used to be?—I think it has."

Mr. Charles Howard is asked:—

"Taking the period since the last committee sat in 1833, what do you consider to be the comparative state of the farming interests now and at that time?—Decidedly and progressively worse.

"Do you take into your consideration every species of land, or one species of land more than another?—I think upon the sheep farms, the upland farms, from the increased demand which there has been for sheep, the distress has rather decreased; sheep have been very high.

"Then with respect to the low-land farms?—Their situation has been progressively much worse.

"You stated that in consequence of the depressed state of the farming interest of that country, the landlords have permitted a considerable portion of the old grass lands to be ploughed up; has that tended to precipitate the affairs of the tenant, or otherwise?—It has kept the tenant longer upon his legs.

"But it has more materially deteriorated the condition of those farms upon which the permission was given?—Decidedly so.

"Either you think that the land will go out of cultivation and produce a diminished supply, or you think that the Legislature will interfere in some way so as to produce a rise in price?—Exactly.

"And you think that is the view of those persons that buy those farms at present?—I do believe it."

Mr. Robert Hope, a Scotch farmer, gives the following evidence:—

"Have you ever thought anything about the present Corn-laws, whether they are beneficial to the farmer or not?—Yes, they have been often discussed, but it is a very general feeling among those that pay corn-rents, that they have not been hitherto beneficial, but the very reverse of being beneficial.

"What is your reason for that opinion?—It induced men to offer more than has been well realized by the price of corn, because it was generally expected from the Corn-laws, that prices would be kept up to something like what they promised; that the import of foreign corn would be restricted, and by that means, keep up the price of the home growth to 70*s*. or so.

"How has the Corn-law disappointed your expectation?—Because it led those that took farms at money rents, to give a much higher rent than they would have done.

"Then is it the opinion of you and those other gentlemen that have considered the subject in the way you mention, that the present Corn-law ought to continue, or do you think, that any change would be beneficial to the farmer?—From what we experienced in the year 1831, I am disposed to think, that a change might be more beneficial to the farmer, by reducing the scale at which foreign corn is imported.

"You have stated, that the existing Corn-law you consider is prejudicial to the farmer; is your opinion founded upon the circumstance of there having been a miscalculation as to the effects to be produced by the Corn-laws, or upon the working of the Corn-laws themselves?—I think by the present working of the Corn-laws, that it may run prices too high for the interest of the farmers in years of scarcity, before any foreign corn can be admitted into the country, prices may be run up so high as to be prejudicial to the interest of the farmer, because, in such a year as we had in 1831, we could not grow so much wheat as we had to pay in rent.

"If the result of this Corn-law should be to produce great fluctuations in price, you would think that effect would apply to all farmers?—I think it has been prejudicial to those that even pay a money rent, because I am sure, that if it had not been for the Corn-laws, they would not have given so high a money-rent."

Mr. James Tison, an English farmer, gives this evidence:—

"What causes have there been to depress the state of the farmers of stiff land?—High rents; it is my opinion, founded on the testimony of farmers themselves, that many of them are farming under war-rents, while they are selling their corn at peace prices.

"Mr. Loch: The consequence of the rents being kept up too high has been that the land has been overcropped?—Yes; when I have conversed with farmers, this appears to be the conclusion they have come to, that they have paid their landlords, what they ought to have paid to the labourers. If they had paid it to labourers they would have had value for the money; whereas they paid it to the landlord, and, of course, received nothing back, and they had so much less to lay out upon their farms.

"On the light soils, have the tenants been met by the landlords with a reduction of rent?—They have not needed so much reduction as they have upon the heavier soils.

"It appears from your evidence, therefore that it is a question very much between landlord and tenant, as to the present condition of the farming interest; that is to say, that the landlord has more in his power than can be done by the Legislature?—Decidedly; I do not see what the Legislature can do, except with respect to the Poor-law, to benefit the agriculturist effectually.

"Mr. Wodehouse: Looking at Mr. Coke's estate, in Norfolk, could any number of his tenantry afford to give him any rent whatever, with wheat at 5*s*. a bushel?—Yes, I think with a good crop they could.

"Then you think that the want of intelligence and the want of skill has gone a great way towards producing the depressed state of the farmers?—According to my view of it, such is the state of society in this country, that for a person to do well in any branch, whether in agriculture, manufacture, or in commerce, there must be a combination of intelligence, practical skill, capital, and industry; and if any of those be wanting, whether it is in agriculture, or in mercantile affairs, a person is almost sure now to go wrong; and when I have traced a great number of cases of individual distress among farmers to that cause, one of those has been wanting.

"What do you conceive to be the effect of the present Corn-laws upon the consumer?—I think they have a very unfavourable effect; they operate as a very great hinderance to the extension of trade, to the manufacturing and commercial interests, because, under the present system of Corn-laws we can receive nothing in return from those countries which would take our manufactured goods, if they could send us their corn in return; for instance Prussia; our trade would be immense with Prussia if we could take their corn in return.

"What do you think is the average price which may be fairly calculated upon by the farmer under the existing Corn-law?—Under 50*s*. a quarter for wheat."

Mr. Thomas Bennett is asked:—

"Do you think, with reduction of rent, and the reduction of prices, the farmer can cultivate his land at a profit?—Looking to the seven years back, and having taken those farms under very low prices, I have not a question that some may do it profitably, and I have no doubt some will.

"Sir James Graham: At what price do you estimate wheat for the next seven years?—If I was going to take a farm myself, I should not expect, nor would I calculate for the next seven years, to have wheat above *5s.* to *6s.* a bushel.

"Will the Duke of Bedford's tenants, who have retaken those farms, be able to pay the rent for which they have just agreed, with wheat at *5s.* a bushel?—I think they will. I think the majority do not expect to see it at much more."

Mr. Andrew Howden, a Scotch farmer, gives this evidence:—

"If you had been sold off in 1820, do you think you would have been better off than you are now?—I do not know that mine is a fair case to be taken as a general case, because I started very poor in life, and I have had a hard struggle, and other circumstances that contributed to assist me. I am the only remaining farmer in the parish where I was brought up; except myself, there is not a farmer, nor the son of a farmer remaining within the parish but myself.

"What is the reason of their having all gone away?—The money rents that where exacted of them. They all conceived that they were to have *80s.* a quarter, and their calculations were made upon that. It soon appeared that that could not be realized, and they were not converted, and ruin has been the consequence.

"Then there has been a great change of tenancy in your neighbourhood?—There has been.

"And that has been caused by the fall of prices?—Yes, and the want of accommodation on the part of the proprietors.

"In your opinion did the Corn-law that was made in 1815, deceive both the landlord and the tenant?—It did. I believe that the calculation upon which they took at that time was almost universally *4l.* a quarter.

"The Corn-law having promised a price of *80s.*, failed to perform it?—Yes."

Mr. William Bell, a Scotch farmer, is asked:—

"What is your reason for supposing a fixed duty would be preferable?—By the present Corn-law, when the price approaches near the rate at which the foreign corn can be brought into the market with a profit, the prices may possibly be run up to that rate by artificial means. Thus a great quantity of corn would be improperly liberated and thrown upon the market, and this might probably depress the market for the whole season. Now, at a fixed duty, that could not take place."

Mr. George Robertson, another English farmer, gives this evidence:—

"Supposing that mutton had borne the same proportionate price when wheat fell to *40s.*, do you think the Scotch farmer would then have been enabled to make a good living?—The Scotch farmer would have tried something else than wheat; he would have extended his grass cultivation, and that would have tended to reduce the price of meat still more?—No doubt.

"And if the price of barley had been also reduced?—Those are all regulated by the demand of the manufacturing and commercial classes.

"Do you know anything of the sale of the manufacturing and commercial classes?—My belief is, that they were never more prosperous.

"How long has that been the case?—It has been gradually coming on for years.

"In the face of that increasing prosperity, has there not been a decline in the price of wheat?—That may be accounted for by the great additional average crops for a series of years.

"Are you able to perceive a great increase in the demand of the operative classes?—Very great in flour and meat, and I have no doubt, the increased price of barley is caused by a demand for malting in England.

"Supposing the supply and demand for labour to remain the same, will not eventually the price of labour fall in proportion to the fall in the price of food?—At present the demand for labour for the manufacturing interest is so great, that we can scarcely get hands for necessary operations of agriculture.

"You have been asked, with reference to the price of wheat governing the price of meat, can you anticipate a very great falling off in the price of meat, when you consider that the population of this country is increasing so rapidly, and that the manufacturing employment of that population is so great as it is at present?—No. I think the price of agricultural produce must keep up; that is to say if the manufacturing classes prosper and live as they are doing.

I shall not however, trouble the House with any further extracts. It is impossible to read that evidence without being convinced that the farmers are induced by this law to promise rents for their land, which it does not enable them to pay, and that they are tempted by the price of which the law professes to assure them, to devote much of their capital to the growth of wheat, which as it is the most expensive plant they can grow, if they are disappointed in the price they expect, the loss they experience is proportionally severe. And I think, Sir, I may venture to state this with confidence to this House, since I find in the admirable address you published to your constituents, that this was the conclusion to which you arrived, after devoting more attention and time to that committee, and to the subsequent consideration of the evidence than perhaps any other Member. And I find, that your conviction is, that the law is actually prejudicial to the farmer, and in the manner in which I have stated it to be so, and you Sir, seem to agree in the conclusion to be drawn from much of the evidence given by agriculturists themselves, namely, that they must not depend for fortune upon the adventitious aid of such legislation as the Corn-law, but upon what all other capitalist must rely upon, namely, the skill, experience, and intelligence, which they bring to their pursuit. But now I wish the House to mark the consequence of the farmer being tempted to direct his attention chiefly, or to apply his capital so largely to the cultivation of wheat, and by neglecting the culture of other products and by the overproduction of wheat, lowering its price below the sum that could be remunerating: namely, that he becomes suddenly alarmed and disappointed at his loss, and withdraws much of his capital from such employment, and thus narrows the breadth which he sows with wheat, and then we see how another purpose which the law is supposed to have, is fulfilled—namely, to supply the community with food at a reasonable rate. Why, the first consequence of growing less wheat has been of course to raise the price, which occurring at the time of a bad harvest the public have been suffering for the last eighteen months, and are now suffering, from an unusual deficiency, and have been paying a great additional price for their food; neither have they any prospect of improvement. There is every probability that prices will keep up, and that great sacrifices will yet have to be made by the public for food. But supposing that all the assertions about the present season and all the usual predictions respecting the coming harvest were true, and that the price was greatly to fall in consequence of the rotation of the crops being disturbed by a greater breadth of wheat sown this year than was ever known before. Why, how will that benefit the farmer? We shall have the same story of distress over again, and we shall see that class as badly off as they were in 1836. And this is, indeed, the regular operation of the Corn-law, namely, either to ruin the farmer or greatly prejudice the public. Yet this is the law which is sought to be identified with all the cherished institutions of the state, and if any one assails it, he is charged with designs against the constitution itself. But who is benefitted by this law, if the farmer is thus injured and deceived, it is usual to say in these discussions, that by making prices high, particular soils are kept in cultivation, and the labourers are thus secured employment, that wages rise with the price of food, and that in fact, the labourer is thus made better off by high prices because his wages are higher. This was deliberately said last year? will that be repeated? I trust not—I dont think it creditable to have urged it at all—it certainly is not true. It is almost cruel to the labourer to say it, seeing that he can have no doubt of the privations he is obliged to endure from a high price of food. There is not a pretence for asserting, that when provisions are high the agricultural labourer is well off. The contrary has always been the case whenever such periods have occurred. In 1797, a year of great scarcity and high price, so far from its leading to higher wages, it was the time when the system of pauperising independent labourers commenced, and wages were made up from the rates for the very purpose of escaping from what is said to be the result of high prices, namely, raising wages in proportion to the price of food. Again in 1810, 1818, 1830, and at the present time, there have been great complaints of their sufferings, and during each of those years the prices have been high. But it is a fact not less striking, in contradiction of what is assumed, that whenever provisions have been low, the labourers have been well off, that there has been a great demand for their labour, and that their wages have given them a greater command over the necessaries of life. Not certainly astonishing to any person who reflects for a moment on the subject, because it is clear that as every body is more or less an employer of labour, and that he is so according to his means, that in proportion as his means are greater or less, so will be his demand for labour, and so consequently will be the wages of the labourer, as it is the proportion which their number bears to the demand for them, which must determine their condition—but if there can be any doubt as to the influence of high prices or the condition of the people, it will be well to view what really is the case at this moment, and I own as far as my own enquiries have gone, I can learn nothing but that either the wages though raised, have not risen in proportion to the price of food, or that, not having risen at all, the labourers have in many cases endured the greatest privations. And here I will just read to the House a report of some cases occurring a short time since, which have appeared in a provincial paper, into the truth of which I have enquired and to which I merely refer to show how incautiously it is asserted here that the agricultural labourers are not affected by the price of food—

"In the southern part of this county 6*s*. a-week is commonly given to agricultural laborers. Within the last fortnight at the petty sessions held at Salisbury, a farmer, living at Durnford, was summoned by a labourer named Blake, for refusing to pay him 6*s*. 6*d*. for a day's work. The complaint stated that he worked on "*the Stem*," sometimes for one master, sometimes for another, at 6*s*. 6*d*. *a week, the rate agreed to by the farmers at a vestry meeting*. His employer had refused to pay him more than 6*s*. which Blake would not accept, as it was not sufficient to maintain himself and wife. The master in his defence, told the magistrates that the farmers of Durnford had "*stemmed*" the surplus labourers of that parish *at* 6*s*. *per week, which was as much as they could afford to pay*. The Bench expressed their surprise—as well they might—at the practice pursued by the farmers at Durnford towards the labourers, and ordered the defendant to pay Blake the full amount of wages agreed on 6*s*. 6*d*., and to remunerate him for his loss of time in seeking redress. This week we will take a different district, and name Rushall, a parish standing comparatively in favourable circumstances, where the poor have advantages which in many other places they do not enjoy. This parish is divided into three large farms, the land is chiefly arable, and of excellent quality, producing on an average, certainly not less than, eight sacks of wheat, and ten sacks of barley per acre. On this fertile spot the highest wages of able-bodied married labourers with families are only 9*s*. per week (we except harvest work, for which, of course, more is paid); those without children, and single men, although equally able, aye and willing too, to a good day's work, are put off with 5*s*., 6*s*., and 7*s*. a week. We do not understand why this is; it appears to be an act of injustice, and we should be glad to know upon what principle the distinction is made;—If an able man's service be worth 9*s*. a week, then is the single man deprived of his due by being paid only 5*s*.; but if an able man's services be worth only 5*s*. or 6*s* a week, then must the difference between that and 9*s*. be considered as parish allowance for the children; it is high time this were properly understood, for if the latter be the case, the *real* rate of wages in much lower than it is represented to be, Of course, with such wages, destitution and distress abound. Many families are unable to obtain more than *one* meal a day, and in many instances that one meal consists of *potatoes and salt*, without meat, and with only a small quantity of the coarsest bread. Very few even of those who are the best off get wheaten bread, but are obliged to have recourse to a mixture of barley and wheat, the latter being of a very inferior description—tail wheat. Meat is hardly ever eaten by any of the labourers, they never buy any."

I think I have a right to refer to such cases when I read addresses to the peasantry, such as have been made by a noble Duke (Buckingham), who takes a lead in maintaining the Corn-laws and asks them to believe that while they maintain those laws they will ever be prosperous. Why, Sir, if it was for no other reason but the one that the Corn-laws tend to make land dear, it is prejudicial to the labouring class, who are always better off when land is accessible to them, and nothing tends more to their contentment and comfort than the possession of land. Another circumstance I might mention which tends, in my judgment, to shew that the people are badly off and discontented now in the agricultural districts, namely, that there have been a greater number of the agricultural labourers who have sought to avail themselves of the provision for emigration this year than ever they did before. Why should this be the case, if the people were well paid and well employed; but the fact is, that there is less means for employing labour this year because the price of food is so high, and the poor are driven from the farm-house to the poor-house, and from thence to the State, to implore of it to send them out of the country. And, really, if we will not allow the food to come to them, it is only merciful to send them were the food is produced; but in God's name, why are they to be driven from their homes, when if provisions were low as they were in 1836, they would get plenty of employment, as the admission of all the farmers themselves they did then. Who is it, then, after all whose interests are benefitted by these laws. I say, in the first place, none can be permanently so at the expense of the rest of the community, but immediately and for the while, there is no doubt whatever that the owner of the land has an advantage in them—and it is an advantage in this way, that it enables a certain class of inferior soils to be cultivated with wheat, and which doubtless could not bear the expense if the produce of better foreign soils was brought into competition with it; and these soils being thus artificially enhanced in value, tend to raise the value and consequently the rent of all other land;

and the owners of land, therefore, without reference to the effect of the law upon other classes of the community, have this interest in the law; and it is well that the truth should be avowed and known, and that it be allowed that they have a temporary advantage in the corn-law, and though the farmers and the labourers cannot benefit by rent being thus artificially raised, it is clear the landowners do, and it is to them alone to whom we must deliberately turn for redress, and appeal to them on the score of injury and injustice done to the community at large, and ultimately of injury to themselves, by impairing the fortunes of those on whom they must depend, by means of their custom for the permament value of their estates. It is reasonable, therefore, to direct our whole attention to that class, for certain am I, that notwithstanding the delusion of some of the farmers on this subject, that if some of the more distinguished of the landowners in both Houses of Parliament, were to rise in their places and express an opinion that the law ought to be changed, that all alarm among their tenants would at once be dissipated and allayed. I am not, however, inclined to join in any wholesale denunciation of the landowners of this country; it would be unjust to do so; because I know that there are among that class men of great intelligence, high minded men, men of generous feeling, some who are ready and anxious to change this law, knowing it is prejudicial to the country at large, and some who seeing their own advantage in it, yet will not adhere to it at the expense of their country; it is right, therefore, to discriminate among them, but certainly it is fair to fix upon those among the landlords, who obstruct and oppose all change of the law, all the consequence, and all responsibility that results from such a course; and I say this the more confidently, because it is not in their power to shew, that the law rests upon any ground of justice or of public good. The landlords in any other country but this might allege that they were exclusively taxed, that they bore more of the burdens of the state than any other class, and were entitled to have a law that should give an artificial value to their produce. I say in this country they cannot allege this. Will they go into an inquiry? Is there any particular burden they bear from which other classes are exempt? Will they say that they are not exempt from burdens that others bear? They are not entitled to this protection on the ground of advantage to the community. It cannot be shown there is one burden that they bear that other classes do not equally endure. What, therefore, is the ground for their exclusive protection? What is the ground that they themselves take? They say if you allow the produce of foreign countries to come into competition with our own, you will throw out of employ many of the labourers on our own land. What is the principle of that, supposing it to be true? Are the interests of the country to be sacrificed that certain lands shall not forego a particular cultivation? We wish, for the benefit of the community, to resort to soils more productive, whence we shall get food cheaper—and the landowner forbids us on the ground of protection. What might the mechanic not say? What says the hand-loom weaver? They might say, do not introduce a machine that shall make labour cheaper. They do say tax machinery. The principle is the same. There seems to be no difference in the policy. What is the truth then? The proprietors not being exclusively taxed, but, on the contrary, being rather exempted from taxation, have no ground in justice for claiming protection, whatever may be their power for enforcing it. Before I quit what may be called the agricultural part of the question, perhaps I may be allowed to refer to what may in the course of this discussion be adduced in support of this law, namely, that Ireland is an agricultural country, and that it is an advantage to Ireland that the present law should be continued. I should be sorry to let anything fall from me that could possibly give offence to that country. We have done enough to offend that country already: but I must say, that of all the groundless and unreasonable pretences for supporting this law, the case of Ireland seems to me to stand beyond all others. Ireland, that has of late years been sending us less and less wheat; Ireland, where the mass of the people are too poor to consume wheat, where the husbandry is the worst in the kingdom, where the landlords have a larger share of the produce for rent, and spend it more out of their own country than any other landlords in Europe; Ireland, moreover, where agriculture would thrive more by not cultivating wheat, and where no country would benefit more from the prosperity of manufacture here, or its introduction there—for Ireland has always felt and instantly so, the benefit of the prosperity of manufactures in England; and what condition would she now be in, if English manufactures were to decline with her new liability to maintain her poor. That is a question for Irish landlords to consider. But before the committee on agriculture to which I have referred, there is positive evidence that where Irish agriculturists have prospered, it has been referable to their abandoning the culture of wheat and applying the soil to other purposes. How then are the real interests of Ireland consulted by a law which by the price it promises offers peculiar temptation to the cultivation of wheat? If I thought the present corn-law of great advantage to Ireland it would have great weight with me, but what is to be gathered on this head from the avowed opinions of men who have studied and sought to promote the interests of that country, and I allude more particularly to the opinions of Mr. Sharman Crawford and the Member for Dublin, Gentlemen differing on many matters, but agreeing in condemning the Corn-law, as tending to make land dear and as repressing manufacturing enterprise in their country. I cannot think, under all these circumstances, that Ireland offers us any ground for upholding the Corn-law. And now, Sir, I think I have said enough with regard to the wisdom of this law, as it respects agriculture, and how far that interest can be said to have thriven under the influence of monopoly. I must now turn to the great and general question involving the principle which should be the test of every law, namely, its effects upon the community at large; for I have hitherto examined its effect on the partial interest alone for which it was professed to be passed, and it is one thing which the public will expect to learn from this discussion, namely, how far they are effected by paying more or less for food in this country, and this I think can be shewn. It is indeed among the advantages of the agitation of a great question of this kind, that it brings a great many intelligent minds to its consideration, which tends to illicit truth where doubt prevails. And here I am glad to be able to point to a very intelligent work recently published, entitled "Influences on the Corn-laws," by Mr. James Wilson, for this author appears to me to have made some very faithful and accurate calculations, as to these effects of the Corn-laws. He takes as the basis of his calculation, the amount in quantity, and the rate at which the people have been annually paying for food for the last seven years. He adopts the general estimate as to the quantity annually consumed, which is sixteen millions of quarters, and the average price of the last seven years, which has been about 52*s.* a-quarter. From this it will be found that the annual cost of wheat to the community, is 41,600,000*l.* It follows therefore, that whatever is paid more or less than this sum, is gained or lost to the community, and it can, therefore, be shewn what this has been of late years, and what is the amount now lost to the community. Mr. Wilson in his work, presents in one table what has been the sum paid at home and abroad for wheat during the years 1834, 1835, 1836, 1837, 1838, 1839. For instance: in 1834, the total cost of wheat was 36,933,333*l.*, while the total cost of foreign wheat was 101,750*l.*, in 1835, the total cost of wheat was 31,400,000*l.*, and of the latter 34,654*l.*; in 1836, of the former 38,800,000*l.*, while of the latter 51,177*l.*; in 1837, 44,666,000*l.*, and of the latter 499,430*l.*; in 1838, 51,666,000*l.*, and of the latter 4,594,014*l.*; in 1839, 56,533,000*l.*, and the latter 7,515,800*l.* It thus appears, that during the last three years, we have as a nation spent more in wheat grown at home, by 45,793,000*l.* than in the preceding years, and paid more by 12,420,000*l.* during the latter years for foreign wheat, than during the three preceding years. The illustration however, will be still more simple, if we compare the two last years, namely, 1838 and 1839. In the beginning of the year 1838 we find the price of wheat is at an average of 52*s.* a quarter. In the autumn of the same year it suddenly rose to 75*s.* being more than 20*s.* a quarter higher—therefore, taking the consumption at 16,000,000*l.* the country was suddenly called upon in September 1838, to pay 300,000*l.* a week more for food than was paid in the six preceding months, and 450,000*l.* a week more than it paid in 1835, and this increased sum was paid during the whole year following. This then is a sum suddenly abstracted from the capital and income which, under existing arrangements, was finding useful and convenient employment elsewhere, and must be considered as thus lost to those departments of industry to which it was giving employment. It seems, moreover, that what invariably attends a high price of food in this country is, importation from abroad, the amount of which, in late years, has been stated; but with our present relations with the corn growing counties, to pay for grain we are compelled to export bullion;

we have, therefore, on these occasions, a certain amount of the currency of the country invariably abstracted to make this payment. We have thus an additional abstraction from the means usually devoted to the employment at home—a very important consideration in a commercial point of view, since the absence of so much bullion is of necessity followed by a contraction of the paper currency. The public, therefore, have to view the law connected with this twofold evil, high price and contracted currency—thus doubly checking the operations of capital and labour. The same author, to prove the connection between the price of food and the currency in this country, has collected in a tabular form the annual amount paid for wheat, the amount of bullion, and the amount of deposits in the Bank of England, and the amount paid for foreign wheat—and this for a period of above twenty years; and there appears from this table a close correspondence between the different amounts of bullion and deposits in the Bank, and the different amounts paid for wheat at home and abroad —the former declining as the latter encreased, and with that regularity as to render it impossible not to conclude that a necessary connection exists between them. From 1817 until the present time, as grain has been imported from abroad, and prices have been high, the deposits and the bullion have declined. The diminution of the deposits would result from the increased payments required for food, which lessens the amount of surplus capital in the country; and the amount of it in the Bank of England would indicate pretty much what surplus was in the country generally. In support of which I quote the opinion of a mercantile man who says,

> "When money is everywhere abundant and prosperity general, the resource of the Bank of England must be very great; at such times the surplus of every man throughout the country finds its way to his banker; a portion of the surplus of the bankers throughout the country finds its way to their agents in London for employment; and the surplus of these agents, as well as all the London bankers, finds its way to the coffers of the Bank of England, as the most accredited place of safety; and thus constitutes an index, not of the wealth and capital of the Bank of England, but of the extent of surplus capital possessed at any given moment by the whole country."

It seems to be reasonable to expect, that if great and sudden demands for the national means were made, that it would manifest itself in this way, and the facts to which I have referred, seem to establish that it does so. Now we observe, that from the end of 1838 till October 1839, there appears to be a diminution, from month to month, of bullion and deposits, during the whole of which time we were importing food from abroad; and we know farther how bitterly the commercial classes have complained during that time of the contraction of the currency. The great importance to the public of this circumstance is, that they may know the truth respecting the sources of those fluctuations in the value and amount of the currency, which occasions such serious and alarming embarrassment in this country, and though I do not stand here as the apologist of the Bank of England, against whom, if only judged according to the rules it has laid down for itself, there is abundant ground of complaint, yet it is well to know, that what is imputed entirely to the mismanagement of the Bank of England, must in great measure be referred to the operation of the Corn laws. And now, Sir, it becomes us to consider, after having proved that there has been a contraction of the currency, an increase in the price of food, and a large sacrifice of the national means to meet it—what has been the effect of these circumstances upon the commercial interest of the country. I will first allude to the cotton trade. The facts I am now about to state, I believe, will prove that, whereas there had been a greater export of manufactured goods, the consumption of manufactures at home had been less. I quote these facts to show that the whole trade of the country was worse in the years in which the price of provisions was high. I take the years 1838 and 1839. The quantity of cotton exported in 1838, was 269,000,000lbs.; in 1839, it was 262,000,000lbs.; being a deficiency of 7,000,000lbs. In 1838, the home consumption of cotton was 155,000,000lbs.; in 1839, it was 122,000,000lbs.; being a deficiency of 33,000,000lbs. Of wool, the home consumption, in 1838, was 56,000,000lbs.; in 1839, it was 53,000,000 lbs., being a deficiency of 3,000,000lbs. But the export of woollen goods had increased. In 1838, the quantity exported was 6,000,000lbs.; in 1839, it was 6,600,000lbs. Of flax, the home consumption, in 1838, was 1,600,000lbs.; in 1839, it was 1,200,000lbs., and so on with respect to many other articles which he would not then stay to enumerate. It appeared also that the articles which contributed to these staple manufactures of the country, had also greatly fallen off in consumption. From the returns I have quoted, the House will perceive, that whilst the goods entered for home consumption had materially diminished in amount, the quantity of manufactured goods exported had increased. Doubtless some persons in this House will think, that this proved that the country was prosperous. I advise such persons, however, first to consult their manufacturing friends, or indeed any competent authority connected with our foreign trade, whether the increase of exports was a sure sign of prosperity, and whether it was not compatible with the manner in which business was conducted in this country, that the exports should increase when the consumption at home declined, the manufacturers being driven by necessity to procure somewhere a sale for goods cast back, as it were, on their own hands, and whether it was not usual for them then to consign these goods, on their own account, to houses abroad to be disposed of, and whether this has not, from distress, been done during the last year, to a very great extent. Indeed there was evidence of it in the complaints which had come from different countries of the sales of our manufactures which we were forcing on their markets. I find in a letter addressed to one of our most influential journals, from its correspondent abroad, speaking of the extraordinary quantity of British goods brought into foreign markets, says, I would wish to give a hint to those British manufacturers who continue to send over goods to be sold at forced sales, at any price; if that practice be continued the loss will be enormous. Mr. Biddle, who was well known in America, in a letter he addressed to this country last year, spoke of the injurious extent to which British merchandise was forced into the American markets. I might indeed quote much more evidence to shew that goods are frequently exported for want of a market at home for which they have been produced, and which, for some reason has failed, and which, in this case, I chiefly ascribe to the heavy payments that have been required for food. Another proof I might give of the depression at home would be the diminished consumption of certain articles on which revenue is collected, as that, at least, is shown by the amount collected on the different quarters, ending in January 1839 and 1840. I will take four articles of ordinary consumption.

		£.		£.
Hops in 1839		298,343	in the year ending 1840	280,079
Malt	——	5,211,798	——	4,845,948
Soap	——	1,047,545	——	7,400,000
Spirits	——	5,451,792	——	5,442,477

But, Sir, I will fortify my opinion, that there has been a diminished power of consumption at home, owing to the influences that I have traced to the Corn laws, by the authority of a gentleman, whose name I am sure will be received by the House with great respect, I mean Mr. Jones Lloyd, and who in a pamphlet recently published, in which he inquires into the cause of the commercial distress for the last year in this country; he places first in order

> "The succession of two bad harvests in a country afflicted with laws which render such an occurrence peculiarly oppressive to the community, and by a peculiar felicity in mischief, contrive to make monetary derangement, and consequently commercial pressure, the inevitable accompaniment of the misfortune of the seasons. The poison of impolicy is thus thrown into the fiendish cauldron of injustice,
>
> "'For a charm of powerful trouble
> Like a hell-broth to boil and bubble.'"

Now, in referring to this Gentleman, I am not naming a person likely to express himself rashly or incautiously, or one who had no stake in the country, as it is called, but I am referring to one who was probably the possessor of more property than any of those who would take part in the discussion this evening—property of every description, not only in money but in land, and whose judgment was held in high esteem wherever he was known. And now, Sir, we will just consider what are the consequences of this monetary derangement and commercial pressure of which Mr. Lloyd speaks; for there ought to be something to correspond in the actual condition of some of our manufacturing towns, if these things were true, and I think I have here a report from one of those districts which will enlighten the House upon that subject. I will read the result of an inquiry made at Bolton a few weeks since:—

> "In the cotton mills alone, about 95,000*l.* less have been paid during the last twelve months. Many of the mills have been entirely stopped for all or part of the time, and with only two exceptions, all have worked short time for a considerable portion of the past year. I have made a very careful calculation from extensive personal inquiry, and assert most confidently, that, altogether, there must have been at least 130,000*l.* less paid in wages in the Bolton Union. Now, add this 130,000*l.* less in wages to the 195,000*l.* more for food, and there is a total loss to Bolton of 325,000*l.*! What are the consequences? There are now in Bolton 1,125 houses untenanted, of which about fifty are shops, some of them in the principal streets. Here is a loss to the owners of 10,000*l.* to 12,000*l.* a-year. The shopkeepers are almost ruined by diminished returns and bad debts. There were, a short time ago, three sales of the effects of shopkeepers in one day. Distraints for cottage rents occur daily. The arrears of cottage rents, and the debts to shopkeepers, are incalculable, but they must amount to many thousand pounds. The pawnbrokers' shops are stowed full of the clothing, furniture, and even bedding of the destitute poor. Fever is also prevalent. Mr. R. S. Kay, one of the medical officers of the union, and a young practitioner of great promise, lately took the infection of malignant typhus fever, and last week fell a victim to his harassing duties. He had latterly worked almost day and night. A short time ago 590 persons were relieved by the poor-law guardians in one day, in amounts varying from six to eighteen pence per head per week. In many cases two or three families are crowded into one house. In one case, seventeen persons were found in a dwelling about five yards square. In another, eight persons, two pair of looms, and two beds, in a cellar six feet under ground, and measuring four yards by five. There are scores of families with little or no bedding, having literally eaten it, *i. e.* pawned or sold it for food! The out-door relief to the poor is three times

> greater in amount than on the average of the three years ending 1838. South of Bolton, four miles, a large spinning establishment, giving employment to 800, and subsistence to 1,300 persons, has been entirely stopped for nine months. The proprietor has upwards of 100 cottages empty, or paying no rent, and, although possessed of immense capital, finds himself unable to continue working his mills to advantage. Entering Bolton from Manchester, another mill, requiring 180 hands, has been entirely standing for eighteen months. In the centre of the town, another, 250 hands, stopped several weeks. North of Bolton, one mile, a spinning, manufacturing, and bleaching establishment, on which 1,200 persons were dependent for subsistence, has been entirely standing for four months. Several machine makers and engineers are now employing one or two hundred hands less than usual, at wages varying from 15*s*. to 40*s*. a-week. A public subscription, amounting to nearly 2,000*l*., has just been raised to mitigate, in some degree, the sufferings of the destitute poor; in fact, to deal out a scanty pittance, just sufficient to keep them from actual starvation, to a body of workmen who possess, perhaps, greater skill and industry than any population of similar numbers on the face of the globe, but who are forbid, by the inhuman policy of our landowners, to exchange the produce of their labour for food in the open market of the world!"

And that really was the cause of their distress; and this melancholy state of things is unfortunately by no means confined to the cotton districts, as I know well myself from information which I have procured from the place which I represent. And is it not strictly in point, I would ask, to bring these matters before the House? I am not one who would advise the Legislature to interfere simply because there was distress; but when great evil and great distress can be traced to the law, then I think it is the duty, as it is in the power of the Legislature to interfere. I believe, in this case, that it is in the power of this House to give instant relief—I believe it is possible to give permanent relief. The people are now suffering from the high price of provisions, and they are suffering for want of commerce with those countries where the food is grown cheap. The warehouses here are full of foreign grain, and the countries where it is grown are ready to negociate with us for a regular interchange of products. But the people are starving, and we forbid them to touch the cheap and abundant food within their reach; the people want employment, and we refuse to allow them to work for corn-growing customers and employers; our manufactures are stopped, because payments from abroad are not made for goods already supplied from the scarcity of money; they offer us flour in payment for our manufactures, and our manufacturers are willing to take it, and would at once be willing to execute fresh orders upon receiving it, but the law forbids the people to touch it without payment of the duty, and stops the payment that would thus be readily made by the merchants in America to the manufacturers of this country. This is no opinion, it is the fact—America owes a large debt to our merchants in this country; owing to their own monetary embarrassments they have no means of paying their debts, but large quantities of flour have been sent to this country on American account; could this be admitted, not only would those debts be paid, and thus relief be given to our manufactures but they would be ready to execute fresh orders, and thus give employment to our people who are starving for want of it. We are moreover now left without a pretence for saying, that the states from which we might export our corn, have not always been, and are now, ready to admit our manufactures on terms of reciprocity. I do not understand the denial of it, if that proceeds from any authority. Is it intended to imply that the late President of the Board of Trade stated what was false, when he said he had, besides the official communications which he read to the House, perused many other letters from foreign ministers all to the effect of shewing the willingness on the part of those foreign countries to reduce there tariffs on our applying the same principle to their product; and what does the able report of Dr. Bowring but distinctly confirm the impression which these official documents, read by Mr. Thomson, had made, and proves, even at this hour, the readiness of those countries to trade with us? I believe what is contained in Dr. Bowring's report, for it corresponds exactly with the information I procured myself when in those countries, and I have heard no reason since to question its correctness. The effects already of our system in compelling those States to employ their population in manufacture, may be shewn by the following official statement, taken from the first and last year of the tables of the Board of Trade relating to our trade with the corn-growing countries:—

MANUFACTURED GOODS EXPORTED TO RUSSIA, GERMANY, AND PRUSSIA, IN 1832 and 1838.

	1832.	1838.
Cotton Manufactures	£1,273,355	£946,433
Hosiery	359,157	197,615
Linen Manufactures	6,429	25,111
Silk	20,888	17,629
Woollen	952,450	815,758
	£2,612,279	£2,002,573
Deficiency, notwithstanding a great increase of population		609,706

To enable these countries to employ their population in manufacturing clothing, to make up the deficiency of their imports, the following statement, from the same source, shows the yarns to them in the same years:—

	1832.	1838.
Cotton Twist and Yarn ..	£2,935,775	£3,502,186
Linen Yarns	65	29,871
Woollen	137,082	229,572
	£3,072,922	£3,761,629

Increase of Material to work into Cloth	688,707

But as it is needful, in order that these countries shall successfully rival England at home and in neutral markets, that they shall have our coals, iron, and steel, and more especially our machinery and millwork; the following statement, from the same source, shows the progress of our exports of these materials, in the same years to these countries:—

	1832.	1838.			
Coals	£27,790	£56,350	increase	100	per cent.
Iron and Steel	75,295	190,222	„	250	„
Machinery and Millwork ..	7,863	97,479	„	1,250	„
Total ..	£110,948	£344,051	average	300	„

The result is a reduction in the export of manufactured goods, which would employ our labour; an increase of yarn to employ their own labour; and an increase of machinery of 1,250 per cent., to render them perfectly independent of us in their own countries, and to rival us in neutral countries.

But it is not only with the continental state, that it would be important for us to negociate at this moment, but it is the moment which is yet left to us, to engage in fresh treaties with the United States and Brazil—and here I must hope that the President of the Board of Trade will tell us exactly the truth on this matter, and whether the general impression is correct that the present tariff of the United States will cease in 1842; and that, about the same time, our present treaty with Brazil will expire; and that our future relations with those countries, will very much depend upon the terms, that we may be enabled to offer them. I hope, at least, that the people will be under no delusion on the subject, and that if we are to continue these fetters on our commerce, at least it shall be done deliberately and with our eyes open. The future well being of this country must now depend upon the extension of our commerce, there is no other mode of providing for our population, or averting the decline of our country. The foolish and impolitic fetters with which we now restrict the commerce of this country are now pressing upon the vitals of the people, and their cry for relief is to be heard in this motion before the House. There are some who think our foreign trade has been carried too far, and that we should have been better without it, that may be true or not, but the complaint is too late, and our foreign trade is now essential to our existence, and we cannot lessen it or destroy it without jeopardising our whole financial and commercial system. We must look to it for the maintenance of our credit, and the collection of our revenue. Most certainly this is not the moment to weaken the sources of our revenue when our expenditure has increased and is increasing by the price we pay for our sustenance, and by the steps we are taking to subdue our colonies, I cannot, indeed, see how the deficiency in the revenue is to be supplied. The great sources of our revenue are found in the capacity of the people to consume the articles that are taxed. I cannot see how it is possible to expect that any fresh tax upon the daily consumption of the people can be collected—for while the price of provisions was thus enhanced by the Corn-law, and the prospects of trade remained as they were, how could it be supposed that if a fresh tax was imposed, that some other branch of the revenue would not fall off. The only resource which in wisdom or justice I can think it possible to resort to would be a property tax. In the year 1830 the country was then tending to the condition in which we now find it. The price of food was then high, and the taxation was grievously felt by the productive classes; Mr. Huskisson then in a most able speech and the last that he made in this House on the state of the nation, drew the attention of the House to the sources of our revenue, and the difficulties which there would exist in collecting the same amount of revenue if trade declined, and the productive classes remained depressed, he did then point to our only alternative, in the imposition of a tax upon property. These were his words:—

"The more general considerations to which I now claim the attention of the House are these. First, that no other country in Europe has so large a proportion of its taxation bearing directly upon the incomes of labour and productive capital. Secondly, that in no other country of the same extent—I think I might say in none of five times the extent of this kingdom—is there so large a mass of income belonging to those classes who do not directly employ it in bringing forth the produce of labour. Thirdly, that no other country has so large a proportion of its taxation mortgaged (in proportion to the amount of that mortgage are we interested in any measure which, without injustice to the mortgagee, would tend to lessen the absolute burden of the mortgage). Fourthly, that from no other country in the world does so large a proportion of the class not engaged in production (including many of the wealthy), spend their incomes in foreign parts. I know I may be told, that by taxing that income you run the risk of driving them to withdraw their capital altogether. My answer is, First, that ninety-nine out of every hundred of these absentees, have no such command over the source of their income. Secondly, that the danger is now of another and more alarming description—that of the productive capitals of this country being transferred to other countries, where they would be secure of a more profitable return. The relief of industry, is the remedy against that danger."

I believe that the people will now turn their attention to this mode of obtaining relief, and certainly I doubt if any new tax but that on property will be submitted to. I am afraid, that I have now exhausted the patience of the House by detailing the mischievous results of these laws, and I will proceed no farther; but I cannot conclude without exhorting those who had hitherto opposed any change, to pause well before they pronounce their decision again upon this question. I ask them whether they perceive anything in the appearance of circumstances around them that encourage belief that the people would adopt their views? Do they think, that any change of opinion since the last Session has occurred in the public mind? Do they not, on the contrary, know that great numbers have come forth and declared their opposition to the existing law who were silent before? Were there not many classes, who had never spoken before, now eager upon the subject? I ask the attention of the House to the fact, that some of the most cautious and conservative persons in the community—men who were supposed to preside over the monetary system of the country, and who were most averse to change, have come forth, and declared their opinion that this law is most injurious to all the great interests with which they are connected. Have not a greater number of persons of the working classes, pronounced their opinion upon this question than have ever done so before. I want, therefore, to know what it is that is expected to result from the rjection of this motion. The hon. Member for Rutland has declared his determination to oppose this motion, and I certainly admire more the bold injustice of the hon. Gentleman than the insidious proceeding of the hon. Member for Cambridge, who has proposed an amendment, but who left the real mischief of the law untouched. I wish to ask what these Gentlemen expect to gain by such a course? Do they expect that all those who have come forward and devoted their attention to this subject, who have sacrificed their property in the cause, and have pledged themselves for the future to agitate this question until it was brought to a satisfactory conclusion."—[*Opposition cheers.*] Yes; he thought it was the best test of the earnestness of men when they devoted their money to promote an object. [*Hear, hear!*] Did hon. Gentlemen who opposed his motion expect that by its rejection all those persons of whom he had spoken would go home and admit themselves to be in error? Did they expect those persons would say, "We certainly did think we were right, but we have found, after discussion, that we are wrong; that all those who have agitated the question are in error; and that this law is a gain and a blessing to us. Let us forget our folly, and never revert to the matter?" Was it reasonable to suppose that the great mass of the people would quite reverse their language upon this subject, and adopt that quiescent and convenient course, if this motion were rejected? If hon. Gentlemen did not expect this, what was it that they conceived would be the consequence of that rejection? Why, the people would return to their homes in the conviction that they were right and at the same time satisfied that the House of Commons would not do them justice. And what prospect did that present? Would it settle the question? If there was difficulty now in making arrangements in the settlement of property, would the mere rejection of this motion facilitate their views. Would it allay the anxiety of the public mind on the subject? What was there to induce the people to admit that they were wrong? They did not doubt themselves, that they were cruelly injured by the law. What eminent authority was there, what person of that kind had lately appeared to shake them in this conviction. And yet, what year passed that some fresh person whose interest or intelligence entitled him to credit, did not appear to denounce it? On all other great questions there had been drawn forth men of ability, advocating opinions in favour of, as well as in opposition to, the proposition advanced; but with respect to this particular question, there was hardly a single man of eminence and intelligence who had undertaken to write in support of the present law [*Ironical cheers from the Opposition*] If any able publication had appeared in favour of the views of the hon. Gentlemen opposite, he was unaware of the fact, and should certainly feel great pleasure at having the opportunity of perusing it [*Hear, hear!*]. But while there was comparative silence observed by the advocates of the existing system, men of the greatest talent and most extensive information, were coming forth daily with publications of their opinions against it. What, then, could hon. Gentlemen expect to result from their resistance to any change. "I pray the House therefore, to pause before they come to a decision, that they will resist all enquiry. I have abstained from stating my own views of what consists with justice and policy; in what should be substituted for the present law. I have satisfied myself with pointing out the evils that resulted from the present law. There was no pretext, therefore, for resisting the motion on the score of the known opinions of the mover. Supposing that the House should now resist all enquiry, how long will those who vote in that way abide by their decision—let them reflect how soon it may be, that they will be called upon to vote in the directly opposite way — and whether that will reflect great credit either upon the House or themselves — for this reason then, I ask the House to pause before they oppose all changes. It is no use to say, that because I propose this question, that they would not assent to it, or because I wished to see the law totally repealed, that they who had the power to resist all change, who have the power to determine the precise amount of change would not consider the subject. The people would not be deluded by such distinctions and pretences as those. The motion is now made by one who has a perfect right to make it; and those who vote against it, will be very justly considered the friends and advocates of the law. And when they decided thus to maintain the law, did they consider who were the parties who were arrayed against them? It was no question simply between landowners and manufacturers. That was the weak invention of the enemy to assert, and said for the purpose of throwing discredit on the question. No! The question was above any other that could be named, one in which the great majority of the community were interested one way, and a comparatively small section of it, deemed themselves interested the other way; and the advantage which the minority possessed, was in their position in the legislation where their interest greatly prevailed. But was it wise simply to rely on this power? As far as I have been able to collect the opinions of that great and intelligent portion of the population termed the working class, they had rested their claims to the Suffrage chiefly and with great distinctness on these grounds; that they considered that their interests and those of the community at large, were not duly represented in the House of Commons, that they were bound by laws enacted and maintained by those who had no fellow feeling with them—and that the general conduct of the Legislature was their strong argument for widening and altering the character of the constituency. And as far as he could collect the views of the many thousands of this class who had petitioned to repeal the Corn-laws, it was as a sort of test of the character and constitution of the House, which they might point to hereafter as a ground for the assertion of their claims. But do the working classes stand alone? Had not other classes attached themselves to them? Were not the classes immediately above them acting cordially with them upon this occasion? The working classes certainly spoke with confidence of the House not doing them justice in this matter. They consented, however, to act with the middle class, whose language to those below them generally was, "act cordially with us, petition the House respectfully, pray for the redress of your grievances, we will join you, do not yet believe that the Parliament will reject your prayer, and refuse you justice." The people then have petitioned, but it is well known that every working man who had signed those petitions this year, had declared, that if they proved abortive, that it was the last they would sign for the repeal of the Corn-laws. The next petition they would sign would be for the reform of the House of Commons itself. There was now upon this question of the Corn-laws an union between the middle and the working classes, and did hon. Members believe, that, under common disappointment, there would not be an union as firm and cordial between those classes, and upon the other the ultimate question which would then be raised. If this motion is rejected, he believed that three years would not elapse before that junction would be formed for the purpose of a further reform in the constitution of that House. The middle classes experienced the mischief of these laws, and they called for their repeal. The working classes suffer from them equally, I believe in a much greater degree, but they have said, that it is useless to call upon this House to accomplish the object, and they tell the middle class, that it is for this purpose that they want the franchise, that they do not call for change for the sake of change, but that no advance will be made in that House, on these questions of national interest, until they can throw their weight into the political scale. And did this House for one moment suppose, that it would be able to change this opinion, thus deliberately formed, and strongly maintained, by the rude rejection of this measure. A few months ago he attended a meeting of the working classes at Manchester, when he witnessed the most gratifying spectacle of upwards of 5,000 working men who had just quitted their daily avocations, and who had assembled together at dinner to express their opinions upon this vital question. A more orderly, respectful, or attentive meeting, and one where those decent observances requisite in public assemblies were more regarded, he never witnessed. Nothing could have been more strikingly contrasted with the conduct of many other meetings which frequently occurred, composed of persons who were accustomed to discredit and disparage the people, than the decorous deportment of that vast assemblage. He did not doubt that, throughout this kingdom, that a similar feeling and conduct would be displayed wherever the working people might assemble. What, then, does the House think, would be the effect of the rejection of this motion upon these very men to whom I refer, or on any others in their circumstances, and equally endowed with qualities so justly entitling them to respect. Was it supposed that they would tamely submit to the injury and the affront that you would offer them by refusing an inquiry into the working of this law? Would they believe that they were in error, because those who were interested in the law asserted that they were so? Would they proclaim to the world that they had, on this occasion, met and made fools of themselves, by remaining silent in future? Let, then, the majority of this House make it matter of calculation with themselves, and ask, what they will gain by persisting to maintain the law as it is, and incurring all the odium that attaches to such a course? Whatever the opinion of the House really may be, it should look at this question practically. Supposing that the repeal of the law was an evil, was it not an inevitable one? The people believed the law was an intolerable evil; do you prove to them that it is not, in anything you say, and do they not hear, and have they not heard, from some of the most distinguished men in the land, that they are right? That the law is unjust and unwise, and that they rightly refer their sufferings to it—still I fear that these considerations are not weighing with the majority of this assembly, and that this motion is to be rejected. I shall then only say, that the responsibility of all the consequences that follow from this course must be fixed upon them. Whatever might happen—whatever disturbance might follow — whatever evils that may occur, whether they be social or political, or of a physical kind, as resulting from this law, the whole blame and responsibility must attach to those very persons individually and collectively who give their vote this evening against this motion. The people were now enduring great physical suffering, which, on great professional authority, I may justly ascribe to the miserable food to which this law condemns them: there is discontent pervading the working classes throughout the kingdom, springing from a sense of injustice inflicted on them by this House, and their attention is now being drawn, though at first reluctantly, yet now grown into habit, to the consideration of political subjects, and their feelings, from these circumstances, are becoming hourly heightened by the agitation of this question. The House, then, has at this moment an opportunity of allaying this excitement, and extending to them relief from the pressure which is now bearing them down. Will they throw away this moment? Let them! if they do, they will surely be indebted to fortune alone if they should be enabled to regain it. I will not longer obtrude upon the attention of the House. If I have expressed myself with warmth, I regret it. If I have done so, it proceeds only from the very sincere conviction on my part that I am right on this subject; and from an apprehension that the House may be guilty of the egregious error of resisting the motion, I now move that the House resolve itself, into a Committee of the whole House to take into consideration the act 9 Geo. 4th, regulating the importation of foreign grain.

Sir *G. Strickland:* in rising to second the motion that this House resolve itself into a committee on the corn-laws, in the few observations I shall make, my endeayour will be to dilate as little as possible upon the returns and statistical tables, which have received so clear an elucidation from the able speeches of my hon. Friend, the Member for Wolverhampton, both now and during the last session. My object will be to point out what has been the progress of public opinion upon the question, and in what respects its position is changed from that of the last year. In entering upon this subject, I think I may anticipate with certainty, that on both sides of the House—that in the breasts of landed proprietors—of merchants and manufacturers—there is but one feeling—all are agreed, that for the prosperity and happiness of the community at large, for the advancement of all branches of industry, and even for the safety of the state and the security of property, it is most desirable that a termination should be put to the agitation of a question which comes so home to the feelings and interests of all—which is so full of excitement—as the sufficient supply and the price of our "daily bread." It has been my duty to present numerous petitions to this House, praying for a repeal of the corn-laws. Those which have lately been entrusted to me have, in their language, been more earnest, more deeply impressed have the petitioners appeared to be, of the injurious effects of these laws, than were those of last year. And a correspondingly increased effort appears to have been made by the persons, who suppose themselves interested in keeping up and maintaining the present restrictive system. The former denial by the House, to inquire then, so far from allaying irritation, has greatly and widely extended it; and the time has surely arrived for an anxious, an impartial, and a full investigation, by a Committee of the House, into this momentous subject. The statement of the petitioners calling for a repeal has been, that by restrictions upon our taking the produce of other countries for the results of our manufacturing skill, capital, and labour, we are giving a bounty upon the establishment of factories abroad, and creating competition against ourselves. That, Sir, is the state of things which has recently occurred; it has become evident, that the laws which have caused an augmented price of food, have at the same time depressed the demand for labour, and the reward of industry. The statement of these petitioners is supported by the opinion of Mr. Horsley Palmer and others, "as to the baneful influence of the system on the monetary and commercial relations of the country." They say, moreover, that these laws, by limiting the supply of the staff of life, and absorbing every labourer's wages in purchasing food, leave him without the means of procuring clothing, and thus depress the home market for manufactured goods. They say, that these laws are a heavy tax upon the many for the benefit of the few, creating discontent and disaffection, and endangering the public peace. The most striking difference between the petitions presented this year from those of the last, is, that whereas last year they principally proceeded from our large manufacturing and commercial towns and districts, such as Leeds, Manchester, and Birmingham, many have this year emanated from purely agricultural districts, and towns and villages. I have myself presented one a few days since, signed by about 300 persons from Driffield, a market town, the centre of a rural population, and where manufactures are hardly known, and where commerce never reaches further than the sale of their own agricultural products. From Doncaster, likewise, I have presented a petition of a similar description, with many from the surrounding parishes, from which no anti-corn-law petition ever before proceeded; and these were passed at public meetings, and signed by about 2,000 persons; and I have presented petitions from other places, signed exclusively by landowners and farmers. Along with the petition from Doncaster I received a letter, containing many valuable remarks illustrative of an extensive change of feeling and opinion. I will read one short extract. The writer says:—

"By this post you will receive a petition from the town of Doncaster signed by 1,524 persons, and also nine other petitions from Thorne, Hatfield, &c., with 904 signatures, making a sum total of 2,428. The Doncaster petition was unanimously agreed to at a public meeting, held at the Town-hall, on Monday, February 17, when the mayor presided; and it was confirmed at another meeting, held on the 22d, and which had been called by the pro-corn-law advocates. As these petitions are very important as coming from an agricultural district, I shall be obliged to intrude upon your time by calling attention to a few important facts. That last year petitions were got up by the pro-corn-law advocates in twenty-nine towns, villages, and townships in this district, the signatures to which amounted to 1504, and at that time not a single counter-petition was sent up. Since then, the principles of free trade have made such progress that we have not only obtained 1,524 signatures—voluntary unsolicited signatures—but the people have at two very large public meetings most emphatically expressed their disapprobation of the present unjust taxation of the staff of life. You are aware that Doncaster contains about 12,000 inhabitants, and as the signatures affixed to our petition are those of adults only, it is obvious that we have procured the greater number of adults in this place."

And the writer then adds—

"Compare this with the fact that last year there was not a single petition from Doncaster, or any of the other places, for any alteration in the present Corn-laws."

It is therefore evident that a wide change of opinion and feeling is taking place amongst farmers, and still more amongst agricultural labourers, as to the effects of restrictions upon the importation of corn. But after all, it is the merchants, the manufacturers, and the manufacturing labourers, who are suffering under the deepest distress. This is a mighty interest. Trade may be called the mainspring of our national prosperity. For if, through neglect or oppression, our trade were to migrate to other nations, the landed proprietor and the farmer would be reduced to the depression of those in Poland or Hungary. That the mercantile classes of this country constitute a vast and a powerful portion of the population, will appear from the following short statement:—

The annual value of the produce of the cotton trade has been estimated at, a year . .	£34,000,000
Of woollens	27,000,000
Of linens	8,000,000
Hardware and cutlery . .	17,000,000
Total . . .	86,000,000
The persons employed are—	
Cotton	1,500,000
Woollens	400,000
Hardware and cutlery . .	300,000
Total . .	2,200,000

These are the persons who appeal to this House—who tell you that their distress is hourly increasing—who ask you, not for restrictions and protection, but for a fair and an impartial hearing to be allowed to prove their case: they ask to be permitted to show that unwise and partial laws are depressing their interests and advancing those of their rivals. That Germany, instead of taking our manufacturing produce, takes raw materials and the best machinery and implements. That, vast as are our national advantages, the Americans undersell us in South America and in the West and East Indian markets. That Switzerland, which England used to supply with yarns and goods, is now an exporting country. That Saxony has become an exporting country not only to America, but even of its hosiery to England. That in Prussia the growth of manufactures is rapid, and she undersells us in the German market; and, consequently, in five years (from 1832 to 1837) the quantity of woollen goods exported from England to Germany had diminished one-half. That in America, where we look for abundant markets, as well as in Germany, the people, our rivals, are saying, "Take our corn, and we will buy your manufactures." They wish for an opportunity to prove that all this results from the corn-laws rendering the cost of living here greater than in any other country in the world by restricting the exchange of our manufactures for the grain of other nations. This, surely, is no time for refusing even inquiry. All the accounts that reach us from the most populous districts concur in representing the distress to be deep and afflicting. At Leeds no less a sum than 5,000*l.* has been generously subscribed to afford temporary relief; at Bradford nearly 3,000*l.* for the same purpose, while the poor-rates are doubled. At Settle, with a mixed agricultural and manufacturing population, the union poor-house is filled, and out of doors relief afforded to a very great extent; and lately the hon. Member for North Lancashire, while presenting a petition, stated that he was bound to admit that the distress in Lancashire likewise was great. The largest manufacturer at Halifax, employing many thousand workmen, states that he will be obliged permanently to contract and relinquish a large portion of his works. It has often and confidentially been said that an advanced price of corn causes an equal increase in the amount of wages, and that this keeps up a healthy state of the home-trade: but the petitioners to that House wish to prove that no such result is now perceived; that, on the contrary, all the earnings of a labourer are consumed in buying bread for his family; so that he has nothing left for purchasing clothes, and that the home trade is destroyed; and that if we allowed the exporting merchant to bring back the corn of Europe and the flour of America, which our people so much want, an immediate and extensive stimulus would be given to industry and enterprise in all their branches.

"Nothing," says a writer well acquainted with the manufacturing districts, "can be more notorious than the long-continued stagnation of trade—the partial suspension of manufacturing—the frightful number of bankruptcies and insolvents—and the thousands and tens of thousands of workmen in the manufacturing districts thrown out of employment, and subsisting on the precarious pittance of public charity."

It is in vain, against these undoubted facts, to produce the official return showing an increased value of exports during the last year; because this, when contrasted with the diminished consumption of the raw materials, only tends to increase our conviction of "the extreme depression of our home trade, and of our home population." To illustrate this I will take only two branches of our trade—namely, cotton and woollens. In the year ending on the 5th of January, 1839, the declared value of our exports of cotton manufactures was 16,715,857*l.* in the last year it was 17,694,303*l.* But in the first of these years the raw materials entered for home consumption were as follows:—cotton 460,756,013lbs., and only 355,781,960lbs. in the last year. In woollen manufactures there has been an increased exportation amounting to 482,930*l.*; of sheep wool, in the year before the last, 56,415,460lbs. were imported for home consumption, but in the last year only 53,221,231lbs. This diminished produce of manufactures, with an increased exportation, proving beyond the possibility of doubt the depressed state of the home trade, caused by the high price of bread, "diminishing the power of the nation to consume the necessaries and comforts of life." This is truly a national question. Can we be surprised that, under a belief that such is the cause of their suffering, a large majority of the people ask to be heard at your bar? During the continuance of the corn-laws, the price of wheat has undergone ruinous fluctuations. But this was not the case in former times. In ten years, from 1771, to 1781, when the duty on foreign wheat was only 6*d.* a quarter, the highest price was 2*l.* 12*s.* 8*d.*, and the lowest price was 1*l.* 13*s.* 8*d.*, being a fluctuation of only 19*s.* But in eight years, from 1815 to 1823, prices varied from 4*l.* 14*s.* 9*d.*, the highest price to 2*l.* 4*s.* 7*d.*, being a fluctuation of 2*l.* 10*s.* 2*d.*, that is to say of 50*s.* a quarter. The real object of foreign trade is to get the produce of other countries, not similarly situated as we are, and the true means to prevent extreme fluctuation of price is to give wide extension to the principles of free trade. Sad experience has taught the working classes that dear corn does not cause high wages in proportion. Loud discontent has prevailed, but at this time the suffering people are bearing privations with unexampled patience and forbearance: but the refusal to hear evidence having failed to produce feelings of contentment and security, the time has surely come to take a different course. In heavy taxation we are now paying the penalty for long continued and desolating warfare. It is said, that the better to bear the burden, the Corn-laws were passed, giving protection to the landed proprietor at the expense of the great mass of the people; but it is no longer necessary to prove that monopoly and restriction, produce depression and poverty, not affluence; and that taxation can more easily be borne by a rich than by an ill-employed and an impoverished people? Revenue is to be raised out of national wealth, not out of national poverty. It is the great body of the middle and labouring classes who respectfully, but earnestly, appeal to this House, and ask for an inquiry. The merchants and the manufacturer ask for no protection; but that all restrictions should be removed. Can the present state of things continue? We hear from high authority that the landed interest "complain of annual agitation, and that no proprietor can sell his land, nor tenant think it safe to take a lease." Inquiry, investigation, and discussion are the only means to give confidence and security, and to remove a state of things so truly alarming. It is said, that an inquiry would be a serious interruption to public business. But how, I would ask, can this House be better employed than in listening to the prayers of the people—giving to them an abundant supply of food—and in alleviating their distresses, and redressing their grievances.

The Earl of *Darlington* said, that after the very great length, and after the elaborate nature of the discussion upon this subject last session, after there had been a debate of unprecedented duration, extending over five nights, when every argument had been used on the one side and on the other, and when the sense of the House had been unequivocally declared in one of the largest Houses on record, by so large a majority as 147, it would hardly have been imagined that under the same circumstances, and in a parliament composed of the same individuals, the same subject would have been re-argued in the following session; although he verily believed that it was not with the consent and approbation of the hon. Member himself, that he again brought forward this measure. Its second discussion seemed to be necessary to satisfy the party of which the hon. Member was the organ, who seemed to think that agitation must be kept up, and that the public mind must be kept alive with all the pomp and array of delegates, week after week assembled in Palace-yard, who had been meeting for the last month in their petty Parliament, whose speeches were published, and a copy sent to every Member of Parliament, and to whom it did appear that after this display it would never do to be satisfied with the defeat of last year, and who thought that they never could go home without drawing down a similar defeat this year. Although the hon. mover had made a long speech, and had used many able arguments, yet there was little new in those arguments, and few that were not advanced by the hon. Member himself, or by some other Member on the other side of the House last year; and if the opinion of the hon Member and of those who acted with him remained unchanged, nothing that he had heard that night had changed his opinion, or had altered the resolution to which he had come last year. He denied that the House of Commons came then to a hasty or to an inconsiderate conclusion. The subject was fairly discussed and deliberately considered before the vote was given, and he was ready to admit for himself, that having last year advanced all the arguments which appeared to him to be conclusive, he had now no stronger arguments to offer in support of a measure which he continued to uphold than he used last year, and he would therefore be sorry to waste the time of the House by any repetition of those arguments. He should feel also most sorry if he thought that the fate of the landed interest should rest on any foundation so shallow as any arguments of his, but he could not but recollect, as the House would recollect, that last year arguments were used in support of those laws which would last for ever, and which placed the landed interest on the pedestal of a rock from which it could not easily be shaken. He alluded particularly to two speeches, one the speech of the hon. Member for the North Riding of the county of York (Mr. Cayley), whose absence that evening from ill-health he sincerely regretted, and the other, the speech of his right hon. Friend the Member for Tamworth (Sir R. Peel); the first as remarkable for the completeness of its details, as for the minuteness and the extent of its calculations, and the latter equally eminent for close reasoning and for sound argument. As a proof of its power, he would refer to the great advantage which the hon. Member for Wolverhampton had in giving his reply. The speech of his right hon. Friend was delivered on the Friday, the reply of the hon. Member for Wolverhampton was not given till the Monday; he had three days for the consideration of his right hon. Friend's speech; he could examine it point by point before he gave his reply, and what was the result? That to no one of those arguments did the hon. Member venture to reply, and why? Because the hon. Member was unable. If he asserted that his right hon. Friend's speech was unanswerable, he might be charged with presumption; but if he said that it was unanswered, he stated what was really the fact. This was not from any want of talent on the part of the hon. Member for Wolverhampton, for he allowed fully that he was a most judicious assailant, and he believed that the Corn-law opponents could not possibly have a more able advocate than the hon. Member had always shown himself, but, as was always seen as well out of courts of law as in those courts, a cause that was unsound in principle and that was rotten at the core, invariably failed even under the guidance of the ablest advocate. He could not concur with the hon. Member for Wolverhampton to the full extent of his statement, that the subject had assumed an entirely different shape from the shape in which it had appeared in former years, or that it was a question arising between conflicting interests of the manufacturers and of the country gentlemen or landed proprietors, although he was willing to allow that it had since assumed a somewhat altered form, and that many parties who were once indifferent to the question, had now enlisted themselves on one side or on the other. Among those who had been neutral were the annuitants, the fundholders, and others who had fixed incomes, many of whom might now, on abstract principles, believe that a low price of corn would be better for them than a high price, and who, therefore, the more readily joined the Corn-law opponents, forgetting that they were thereby loosening the very bonds by which they hold their own security. And no doubt, at the present day, in a question so much agitated between different parts of the nation at large, every different section in the constituency was invited to take part on one side or on the other. He knew, indeed, that very active exertions were made to make them take part by the Anti Corn-law League, and he believed that they were not very scrupulous in the unfair means which were resorted to. Every now and then the productions of their press were sent to him, the productions of that press which was in the pay of the Anti Corn-law League, and he must say, that anything more scurrilous or more abusive than what was contained in that press, it was impossible to conceive. Besides, there had been inflammatory handbills disseminated in every manufacturing and in every great town, and itinerant preachers in the pay of the Anti Corn-law League were employed to go into the agricultural districts, as well as the manufacturing, to preach to the populace, and to instil into their ears every kind of filth and of abomination. He could not, therefore, but regret, that men of wealth and of much weight in Manchester, and that the merchants of this metropolis and elsewhere, whose wish to advance the well being of the community no one would question, should, for a small pecuniary advantage, and for the sake of a temporary gain, join parties whose ultimate objects he was sure they could not contemplate without disgust. At many of the arguments made use of by the hon. Member for Wolverhampton that night, he confessed that he was astonished. The hon. Member had pressed upon their consideration the agricultural parts of the question, for he thought, that that class of arguments had been abandoned, and that they never would have heard them again; it had been, as he thought, proved that the landowners and the labourers were equally associated in interest with respect to it either one way or the other, and that whether the Corn-laws were necessary or were not necessary, yet that if they were necessary for the one class, they were necessary also for the other, whilst the hon. Member went on in his speech to argue that there was a distinction between the interests of the two classes, and that they might be necessary for one class, and not for the other. He would only ask if that were so, if the farmers thought with the hon. Member, who was it that signed the petitions which had been that year presented to the House for the maintenance of the Corn-laws? They were almost all signed by farmers and labourers. In the face of all which the House had seen, it did seem extraordinary, that they should hear such arguments as those this night advanced. It only showed to what shifts and devices hon. Gentlemen were driven to defend their case. What was the course of the argument last year?—almost the entire subject of debate in the Chamber of Commerce of Manchester? What was the subject that was most complained of in the newspapers which were sent to Members of Parliament?—of what did all the outcry consist? Of the distress that they suffered from the diminution of the exports to foreign countries—of that alone their speeches consisted—they never complained of any other point. They said:—

> "Only let us have the same exports to foreign countries; those exports have been gradually diminishing year by year, and now they have fallen to such an extent that we can get no orders, and we shall be ruined, but give us back our exports, and we shall have nothing to complain of."

This year, however, because the official returns which had been published showed the direct contrary of what they last year stated, these same Gentlemen admitted, that the exports had increased, and that in the last year, up to the 5th of January, 1840, there had been two millions advanced over the exports of 1839, but then they said, that this increase was of no use. Really, these Gentlemen changed their tactics very easily; they were distressed last year, because their exports were diminishing, but they now turned round, and, although they admitted, that the exports had increased, yet that, instead of making them prosperous, it was the very reverse, because, as they said, the raw material this year imported, was less than than that last year imported. Their profits might not have beeen so great as they had been, but he could not admit, that their loss was as great as they said, neither could he admit, that any loss they might suffer was owing to the operation of the Corn-laws. But, in addition to other documents, there was one very remarkable paper which had been sent to him, and which emanated from one of the debates in

Palace-yard, it was entitled, "National Distress proved by Increased Exports, combined with Diminished Production;" and was, in fact, the speech of Mr. Edward Baines, jun. He supposed, that he was the son of the hon. Member for Leeds. He had no hesitation in saying that it was a very ingenious speech for a young man, and it had given such satisfaction to the delegates, that they had ordered the speech to be printed, and a copy to be sent to every Member of Parliament; but he must add, that able as that speech was, he could not admit that his reasoning upon the point was conclusive. Although Mr. Baines, jun., admitted fully, and in a manly manner, that the exports had increased, yet he said, that a considerable decrease of the imports of raw material having taken place, he asserted, that the increased exports instead of being a proof of prosperity, was the very reverse. Alluding to the official documents giving an account of the exports, Mr. Baines said:—

> "That official document shows that a larger amount of British manufactures was exported in the year ending January 5th, 1840, than in the year ending January 5th, 1839; the increase being nearly two millions on the declared value. I shall shortly prove, from the very document thus adduced, a case, not of extending, but of declining trade and manufacture. But, before I do this, I cannot help expressing any surprise that any document or any figures could induce men who have the use of their eyes and ears, to believe, that trade was good, or that the present condition of the country was not one of severe and fearful suffering."

So far, he thoroughly agreed with Mr. Baines. He had never heard it asserted, by any one that trade was good, or that there was not a great deal of suffering in the country. But this state of things might as well be attributed to the duty on timber as to the duty on corn; and as he (the Earl of Darlington) liked to attribute effects to the true causes, he had no objection to state his own opinion of the causes of the severe distress which now existed. The hon. Member for Wolverhampton had already alluded to the withdrawal of the bullion from the Bank to pay for the corn; and the hon. Member stated also, which he agreed with, that they would see month after month the variation in the bullion in the Bank and the importation of foreign corn, exactly corresponded. This was a proof that corn could not be purchased to any extent by this country unless it were paid for by bullion. Nearly six millions of bullion had been sent out of the country in the year 1839 for the purchase of foreign corn. This withdrawal of bullion from the Bank caused them to make a considerable contraction of the issues, and no one would blame the Bank for doing what it was necessary for them to do. It was, indeed, asserted, and on no mean authority, that last September, the Bank was in possession of an order in council to suspend cash payments whenever they might think it necessary. But, whether this assertion were true or not, whilst there was this large drain for bullion, the Bank was called upon to double the accommodation to the merchants in the shape of discounts. The consequence was, that a great number of master manufacturers, who were not able to obtain accommodation, were forced to shut up their mills and fling their men out of employment. That was one of the main causes of the distress. But there was another point which he could not altogether overlook, and which was another cause of the distress—the system of overtrading. There were not, perhaps, many persons in that House who were Members of it in 1825; but he was one, and he well recollected, that Mr. Huskisson, who was then President of the Board of Trade, attributed the distress and the panic of that year solely to the overtrading of the years 1823 and 1824. Those were two years of the greatest commercial prosperity that were ever known. The consequences had been, that factories had been built out of number, that labourers were advertised for to be employed for three years; there was a great extent of overtrading, and manufactures were so largely produced, that they could not be sent abroad, and they remained on hand. If that were the case in 1825, considering the improvements that had since been made in machinery, considering the great subsequent increase of population in the manufacturing districts, and considering that at the present moment it was asserted by the manufacturers that the extent of machinery and of population were such that they could manufacture for the whole of the present world, and that they could manufacture enough for a new world, if a new one could be found, was it not likely that the same cause existed now, that there was proof of overtrading, and he feared that the great improvements in machinery and the increase of population, instead of proving an advantage to the country, would be found a great and positive inconvenience. He had intended to go generally through the amounts of the exports, to show that in every year, from 1829 up to 1838, they had almost invariably increased, but as he should weary the House by going over details which had been already referred to and admitted, he would content himself with mentioning only one branch, the iron trade, in which the results were so extraordinary that they were worthy of separate relation. The exports from 1829 to 1838 showed an almost constant increase. In 1829 the exports were 89,338 tons of iron, in 1832 they were 120,442 tons, in 1835 they rose to 167,349 tons, in 1836 there was a slight fall to 160,524 tons but in 1837 there were 162,496 tons, and in 1839 there were no less than 217,900 tons of iron and hardware exported from England. Now, let them see what Mr. Edward Baines said to this. After alluding to different articles for which the importation of the raw material had decreased, he came to the iron trade, and thus accounted for the statement of a diminution of profits—

> "Again, we have seen that there was an increase in the exportation of hardwares and cutlery; but, on turning to the raw material, namely, the finest quality of iron, which we import from abroad, and which, therefore, is contained in this list of imports, it appears that the quantity of iron entered for home consumption, instead of increasing, declined. In 1838 there was 19,318 tons of iron entered; and, in 1839, there was only 18,437 tons."

Now, he (the Earl of Darlington) had mentioned the increase of iron exported, and to every one who knew the state of the iron trade, it might not, perhaps, appear wonderful that there was not a very large importation of iron, but he would call the attention of the House to the manner in which iron was protected. One great argument with hon. Gentlemen opposite was, that there was a higher protecting duty on corn than on anything else; whilst the fact was, that iron was more protected than corn. He must premise that he was not an iron master himself, nor was he personally acquainted with the value of the different qualities of iron; but he was informed that there were three different qualities, having a different amount of protecting duty. On iron bars there was only a duty of 1*l.* 10*s.* per ton; but on the second description there was a duty of 5*l.* per ton; and on hoop iron, the finest description, there was a duty of no less than 23*l.* 15*s.* a ton. He understood, also, that three tons of these different kinds of iron, that is, one ton of each, could be purchased here for 30*l.*; and if they added the three duties together, they would amount to more than 30*l.* Iron, therefore, was protected by a duty of more than 100 per cent. He felt, also, that in this question there was one great cause of distress in the manufacturing districts, which consisted in the great quantity of goods sent to America, and there sold at ruinous prices, or not sold at all. He believed that at this moment this country was an immense creditor of America, and so long as the debts which existed remained, he was surprised that any should be sent at all. But what he was still more surprised at was the allegation which had been made by Mr. Baines, that the great proof of our distress was the failure of the home demand for manufactured commodities. He had always heard it asserted that it was the foreign markets to which the manufacturers looked, and that the home consumption was nothing as compared with the demand for the foreign markets. But it was said also, that the home demand had diminished from an inability to purchase, and that was an effect which was attributed to the Corn-laws. If that were so, he begged to inquire who were the persons who were the real home consumers? He had always heard that they were the landowners and persons employed in agriculture, and there could be no doubt that they, being the principal customers, consumed at least four-fifths of the articles produced. He would now refer to another passage of the speech of Mr. Baines. He said,

> "Let me, in conclusion, offer a plain illustration, which may convince even an agriculturist that increased exports may, under certain circumstances, be a proof not of prosperity, but of exigency. Suppose a farmer, whose land yields on the average one hundred quarters of corn, of which he sends sixty quarters to market in order to pay his rent and other expenses, and keeps forty quarters for the support of his family. Suppose that in an unfavourable year his farm only yields ninety quarters instead of 100, but that, owing to increased necessities, he sends sixty-five quarters of corn to market instead of sixty quarters—it is evident that this increase of his sales, which I may call his exports, is not a proof of prosperity, but of present need. It takes place in spite of diminished production, and it leaves for the consumption of his family, not forty quarters, but only twenty-five quarters. This is just what has taken place last year in England; we have produced less—we

have exported more; and thus in both ways our own consumption, that is, our own supply of necessaries and comforts, has been abridged.

It was true that in favourable seasons farmers might produce ninety quarters only instead of 100, and if he could only obtain payment at the ordinary rate, he would sustain a clear loss of ten quarters; but at the same time, the probability was that he would get for the ninety quarters the same amount as would be paid in other years for 100, and the argument, therefore, went for nothing. He should not trouble the House with any further allusion to this speech. It had been thought by the advocates of Corn-law repeal to be one of great value and importance, and he believed that it was mainly on it, that the delegates now assembled in Palace-yard rested their case. He merely wished further to refer to some important documents which had only appeared on that day, and which, in his opinion, were highly valuable in allusion to this question, and he should not then trouble the House any further. One of the strongest arguments quoted against the policy of the Corn-laws was the great evil which was alleged to be produced by the constant fluctuations of prices, which, it was said, were equally injurious to the consumer and the merchant. He agreed that steadiness of price was an object which it was most desirable to attain; but every body who had made the least inquiry into the subject must be aware that the prices could not be fixed, but that they must vary in a great measure according to the season. It had been stated, and was generally believed, that those variations had been effected by the working of the Corn-laws. He held in his hand a most valuable document, which would at once contradict such a suggestion. It was divided into three tables, the first of which was a "Return of the highest and lowest annual average prices of wheat, and the differences per cent. between the years 1815 and 1838 in England and the following countries: Prussia Proper, Posen, Brandenburg and Pomerania, Silesia, Saxony, Westphalia, the Rhenish Provinces, Sweden, Bordeaux, Lisbon, Hamburg, Rotterdam, Dantzic, Petersburg, Riga, and Trieste;" and it was very remarkable that in this list there appeared to have been much less fluctuation in England than in any other country. The second and third tables were returns of the same description, referring to the years from 1829 to 1838, in England, Dantzic, and Rotterdam, and also of the highest and lowest weekly average prices per quarter in England and Wales, and the difference per cent. between the same years. In these tables, also, the same fact was observable, that the prices in England were the lowest. This was a remarkable fact, and it distinctly proved that this argument against the Corn-laws at least could not for a moment be contended for, but must be admitted to be erroneous. In saying thus much he must declare that he never grudged the prosperity of those who, having been formerly men of straw, had in a very short time amassed large fortunes. So long as by fair means and diligence their condition and success were maintained, he was the last man to object to it, but when he found that their position was to be supported at the cost of the landowners, so long as he held a seat in that House he should always raise his voice against such a proposition. He had now stated his opinions upon the subject to the House. He might be supposed certainly to be in some degree biassed, from the fact of his being the representative of a large agricultural county, but he had always kept in mind the fact, that they were not sent there as the representatives of any particular district, but as the representatives of the whole country. Under these circumstances, and in consideration that he had always endeavoured to do his duty to the best of his judgment, when he was told that agriculture and commerce and manufactures could not flourish together, he had always disavowed, and never believed, that that principle could be supported. They had flourished together before, and if that had been the case, he begged to ask why they might not now flourish together, and continue to flourish together? If he was to be told that they could not be supported together, and that for that reason the agriculturist must give way for the manufacturer, then he was obliged to say, "Let the agriculturist prosper." But it was not his intention to say one word which should appear to favour or discountenance either of them. He should say, "let them flourish and go hand in hand together," but he could not help regretting that many of those who were the well-wishers of the agriculturists should, at a time when they stood in the greatest need of their support, give an ear to those whom they must know to be their bitterest enemies, when their own good sense must at once convince them of the errors into which they had fallen. He would now say no more, but express a fear that from the moment at which that protection was taken away from the agriculturist which was at present afforded him, England's sun would set, and her glory would sink never more to rise.

Mr. *Grote.*—In approaching the consideration of this question, I must say that I fully agree in one sentiment expressed by the noble Earl who has just sat down. He has told the House that no Gentleman who holds a seat within these walls is the representative of any particular district or class, but that he is the representative of the entire people. This is a sentiment in which I repeat I entirely agree, and I can only express a hope that the decision to which the House will come to upon this question will be in conformity with it. The noble Lord has expressed his astonishment that this question should be again offered to its consideration, after the final and complete answer which it had received last year. If I could admit that the numerical majority which the party opposed to any change in the existing Corn-laws then obtained, could be considered as an exponent of the justice of the cause, I should say that that party had a triumphant case; but it is a fact in our history that the majority of the people are dissatisfied with this law, and I find that that very principle is affirmed in the speech of the noble Lord, because he says that the hon. Member for Wolverhampton brought forward this question, not so much from his own opinion, but from a pressure from without. From what can that pressure proceed, but from a firm and settled conviction that the decision of this House last year was not satisfactory, and that the question is one which must be reconsidered, and determined after more mature deliberation? The noble Lord admitted that in the course of the last year a state of extreme distress existed throughout the country, and he commented on that point in a manner which did him great credit, and I am much rejoiced that on this point at least we are somewhat nearer to an agreement, because much of the discussion of last year took place upon the question whether there was or was not a sufficient degree of discontent to warrant an inquiry. I feel painfully sensible that after the long and incessant discussion which the subject has undergone, it is utterly impossible to produce anything like new argument on either side of the debate. This is a disadvantage to which I must submit in common with my opponents, and believing, as I do, that the present system in respect to the importation of foreign corn is extremely pernicious to the country, I shall not debar myself from the liberty of insisting on the main objections against that system merely because the same objections may have been already enlarged upon by others. I cannot but think, indeed, that whatever there may be of novelty in the present discussion as compared with our discussion of last year, is in favour of the view which I take of the corn-laws, and not in favour of the view taken by my opponents. The intervening period has furnished us, not indeed with any fresh arguments or undiscovered principles of reasoning, but with certain new facts and illustrations in respect to the practical working of the present system. I shall be much astonished if my opponents can find much in the phenomena of the year 1839, to advance the credit of our present corn-laws in public opinion. I think it will not be difficult to point out much in those same phenomena which tends to discredit and depreciate them. My hon. Friend, the Member for Wolverhampton, has already alluded to the condition of the Bank of England, and to the manner in which our commercial and monetary affairs, during 1839, have been affected by the present corn-laws. That which was matter of prediction during the discussion of 1839, has become matter of history for the discussion of 1840. I shall make no apology for touching upon this topic again, for I consider the late derangement of our monetary system, to be an effect distinctly and directly deducible from the corn-laws, giving rise to serious apprehensions, if things are suffered to continue in their present state, for the future maintenance of our monetary standard. To this one great public danger is to be added, the disturbance which has been so largely occasioned in the commercial relations of private individuals, and the loss, anxiety, and hazard which has fallen, and which is sure to fall somewhere or other, among very large classes of merchants or traders. Scarcity of money, as it is called, or in other words, a difficulty in borrowing, and great rise in the rate of interest on commercial securities, though undoubtedly it presses hard upon the trading world generally, is yet neither the greatest nor the foremost of the evils entailed upon them. The embarrassments occasioned to all who have to pay for goods, the unwillingness to buy which is felt by prudent men, who foresee this embarrassment, the consequent stoppage of sales and accumulation of stocks in the hands of the importer and the manufacturer, the inevitable slackening of the demand and means of employment for labour—all these indirect evils, the result of a pressure on the money-market, are severely and cruelly felt throughout every department of the trading world, far more than the amount of positive payment which each man may have to incur in the shape of increased charge for interest. And these evils spring from that violent demand for bullion, which large and sudden payments for foreign grain have entailed upon us under the present corn-laws. I advert, Sir, to these mischiefs, first, not because I consider them first in the scale of importance among those which flow from our corn-law, but because they happened to have made themselves peculiarly prominent during the last twelve months. If I am asked what I consider the capital and primary evils ascribable to the corn-laws, I reply, as I did last year, that I rank first and foremost the evil to the community generally, trading or non-trading—the aggravated price, and the still more aggravated uncertainty, in regard to the purchase of the prime necessary of life. The average price of wheat for the year 1839 was 70*s.*, and the price in particular portions of the year has been as high as 80*s.* per quarter. It may be difficult to ascertain with minuteness the precise fraction of this price, which is the direct consequence of our present corn-laws; but on the very lowest estimation, when multiplied into the number of quarters consumed in this country, it will appear to be an impost of serious and formidable magnitude. This, Sir, is, in my mind, the direct and primary mischief, apart from the many indirect and collateral mischiefs which arise out of the corn-laws, and I never can speak upon the subject without making allusion to it. These laws add considerably in the majority of years to the price of grain, the subsistence of every citizen of our community; while the sum which is thus taken out of the pockets of every man is applied, not in aid of the general taxation, but is partly cast away without benefit to any one, partly applied to the benefit of one separate and peculiar class. I never can persuade myself that a law thus branded, both with injustice and with impolicy, can be permament. Gentlemen do, indeed, tell us, in defence of the corn-law, that the present system ceases to impose any duty at all so soon as prices rise to an inconvenient magnitude; that the duty becomes smaller and smaller as the price becomes larger and larger, and that when the price once reaches 73*s.* per quarter, no part of the burden borne by the consumer is to be considered as arising out of the corn-law. This is what Gentlemen often tell us, and they seem sometimes to take credit to the landed interest for something in the nature of generosity, in permitting the scale of duty gradually to decline and vanish, in proportion as the price of corn rises. Sir, I do not know how others may be affected by this reasoning, but to me it seems to imply an unusual confidence in the indulgent dispositions of the audience; for what reflecting man will be induced to believe, that the total addition to the cost of procuring foreign corn, is measured exclusively by the amount of duty actually levied, and comprises nothing beyond? There are many and various ways of enhancing the cost of commodities, and direct taxation is only one of them. If you accumulate difficulties and uncertainties in the course of any particular trade, if you deter merchants from purchasing on your behalf, at the time and place when the article is cheapest, if you will enter into no regular commerce, and give no deliberate order before-hand—all this vicious management will impose upon you the necessity of paying an additional price for what you buy, as infallibly as if there were a tax charged upon you at the moment of purchase. All vexations or impediments in the way either of the manufacture or the purchase of an article, will make themselves felt in the price just as certainly as a tax imposed upon the article only at the full period of its completeness. Now, the present system of Corn-laws is more replete with uncertainty and variability than any other scale which has ever been adopted. The contingent fluctuations in the price and in the duty are beyond the reach of any just or accurate estimation; no merchant can safely undertake any operation under our present Corn-law, without having a very wide and ample margin of prices to cover risks and possibilities. All these elements of risk, of difficulty, and of uncertainty in the trade are felt in the price of the article when sold in our market; they are a cause of enhancement of price, over and above the positive amount of duty, and not less effective than the duty. There are two objects, Sir, which it appears to me that we ought to aim at in our legislation on the corn trade. The first is, that corn should be afforded to the consumers at the lowest cost of production; and Gentlemen will recollect that the consumers are, in point of fact, the entire nation, or at least the overwhelming majority of it. The second is, that the price of corn should be steady, and subject to as little fluctuation as possible. I combine these two objects together in my view of what is desirable, and I firmly believe that you cannot disunite them in practice. If you legislate with a view to raise the price of corn above its free and natural level, you will by the very same act, render its price more variable and unsteady. If you are to raise the price of grain artificially through the means of legislative enactment, for the benefit, real or supposed, of British cultivators, this can only be done by embarrassing or preventing the foreign supply; and the more we narrow the surface from which our subsistence is derived, the more we stand exposed to injury from the fluctuations of the seasons. Thus to put an extreme case—if our landed gentlemen were to call upon us to prohibit foreign grain altogether, after a certain moderate interval, it would perhaps be possible that British agriculture might be pushed so far that it would supply us with all the food for our population, at the expense, indeed, of enormous cost and suffering in many ways to the community; but still such a quantity of food might perhaps be supplied. But I entertain as little doubt that if this supposition were realized, and if British grown corn were forced from our soil in sufficient abundance for our population during very bad seasons, there would be, under such a system, a prodigious and extreme superfluity during good seasons, and there would be fluctuations in the price of grain to an extent such as we have never yet witnessed. There would be prices occasionally exorbitant, and generally high, but occasionally also ruinously low, in seasons of abundance; and in such seasons the agriculturists would suffer even more than they did in 1834 and 1835. Now, our present Corn-law does not carry protection to agriculture to the extent which I have just put as an hypothetical case. It does not exclude foreign corn altogether; it excludes foreign corn in years of ordinary home produce, under our present extent of cultivation; it admits foreign corn in years of deficient home produce, and in those years only. But it still does involve the same principle of protection as the hypothetical case which I have imagined, though in a more limited degree; it does keep up artificially the price of corn here during years of ordinary produce, and therefore it exposes us, during years of abundance, to the evils of a factitious surplus, selling at a price altogether disproportioned to the cost of production, ruinous to the cultivators, and yet too dear to be relieved by exportation. It is thus that the event will ever turn out; you cannot force up prices above their natural level during scarce years, or ordinary years, without exposing yourself to a reaction, and to an unnatural depression during periods of abundance. I repeat, that you cannot disunite in practice a low price of corn and a steady price of corn, considered as objects of legislation—the same laws which promote the one will infallibly promote the other. Admit supplies freely from all quarters, and you will have done all that legislation can do, both to obtain supplies at the lowest cost of production, and to render the quantity supplied equal from year to year, and therefore, also, the price steady. On the contrary, the more you deviate from this rule of unlimited and universal admission—the more you shut out supplies from one quarter, for the the purpose of procuring a partial monopoly to the supplies from another quarter—the further will your efforts go as well to heighten the cost of production as to render the aggregate supplies unequal from year to year, and therefore, the price of the article unsteady and fluctuating. Sir, I am well aware that when I endeavour to show that the way to diminish as much as possible the chance of high prices of grain, is to open the sources of supply as widely as you can, I am not likely to find favour with agriculturists. They believe that they have an interest in high prices; and, so far as regards the landlords, though not so far as regards the farmers, I think they believe so rightly. But, as to the point of steadiness of price—there at least we seem to be agreed—the agriculturists are of opinion that they have a common interest with the consumers in securing steadiness of price, though they may desire that it should be a steady high price, and not a steady low price. If, then, it can be proved that the present Corn-laws, though they may secure a higher average of prices during a series of years, yet purchase this benefit at the expense of multiplied and aggravated fluctuations—if this can be proved, I say, even the agriculturists themselves ought to be prevailed upon to set the loss in one way against the benefit in the other. Now, Sir, I maintain that nothing can be more thoroughly certain than the tendency of our present Corn-laws to multiply and aggravate the fluctuations in the price of grain; and I am astonished, I confess, when I hear Gentlemen opposite defending them on the ground of their having produced steadiness and uniformity of price. I do not, of course, contend that our Corn-laws are the sole and exclusive cause of fluctuations in the price of grain. I know that the inequalities of the seasons must always lead to considerable inequalities of price from year to year, under any and every system of legislation; but I do contend that our present system operates as a new and separate cause of fluctuation in itself, and that it aggravates exceedingly that irregularity of supply, which is the main cause of fluctuations in price generally. How, indeed, can it be otherwise, when we have adopted a graduated scale framed with exquisite skill, so as to baffle the most careful anticipations and the most far-sighted sagacity on the part both of the growers and importers of corn, and to reduce the corn trade to a state of greater uncertainty and conjecture than the betting-room at Tattersall's? Under a trade perfectly free, and without any duty at all, it must always be a matter more or less of hazard to bring over any considerable quantity of corn from a foreign country, from the difficulty of calculating accurately the produce of domestic harvests. If you impose a fixed duty upon importation, you increase the hazard by the addition of so much positive charge to the prime cost of the article. But if you graduate your scale of duty in such manner that the difference between a price of 63*s.* per quarter, and a price of 73*s.* per quarter, becomes equivalent to a difference of 35*s.* per quarter, by means of the dilatation and contraction of the duty, then the hazard becomes aggravated, until it exceeds that of any other trade carried on in our markets. Upon any large adventure, a lucky guess is wealth at one stroke: mis-computation is absolute ruin. When you require a supply of beef or bread for the army or navy, you take care to announce beforehand the precise quantity which you will want, and the precise time and place at which it must be delivered. This is the established way of ensuring a regular trade and a reasonable bargain, and the nearer any trade can be made to approximate to this pre-ascertained relation—the more completely both the extent of demand and the conditions of supply can be marked out and determined beforehand, the more conveniently will the traffic be carried on for the seller and the more cheaply for the buyer. Now, it is very certain that, even if our Corn-laws were done away with, the foreign corn trade could never be reduced to anything like a state of precise contract; the importer must always take his chance of those variations in price and in the extent of supply required from abroad, which the inequalities in our domestic harvests are sure to occasion. But our present Corn-laws accumulate in his path artificial dangers and difficulties, over and above those which are natural and inherent in the trade; and these difficulties and dangers make themselves felt both by enhancing the price, and by aggravating the fluctuations in the price of the article. Many of the Gentlemen who uphold the present Corn-laws are not equally ready to defend the Corn-law which existed from 1815 to 1828. They condemn the system of absolute prohibition up to 80*s.*, and they consider the adoption of the present system as a change from what was injurious and impolitic to something which is positively and decidedly beneficial. If they contented themselves with saying that the law of 1828 is, to a certain extent, less objectionable than that of 1815—that it is on the whole, and comparatively speaking, an improvement, I should agree with them. But I contend that the same objectionable principles which marked the law of 1815 will be found substantially to mark the law of 1828, though undoubtedly lessened and circumscribed in the extent of their working. By the law of 1815, the consumer could obtain no foreign wheat until the average prices in this country reached 80*s.* The law peremptorily forbade him. This I admit: at present the law does not peremptorily forbid him from buying foreign corn at any price for which the importer—having paid the duty according to the scale—may be willing to sell it. But though the law of 1828 abandons the unqualified prohibition comprised in the law of 1815, what has it substituted in place of prohibition? It has substituted a scale of duties so arranged, that when a supply of foreign corn really is wanted, the consumer is sure not to obtain it until prices here reach an average of 73*s.*: while if the importer should make a mistake in calculating the real wants of the country, and if the price falls short of this level by only a few shillings, the enormous rise of the duty entails upon him a loss hardly less than the absolute unsaleability of his merchandise to which the old law condemned him. There is indeed a difference for the better, and not an inconsiderable difference, between 80*s.* and 73*s.*; but, looking at the question as it concerns the consumer, the certainty that under the disguised prohibitions of the present law the prices will reach 73*s.* whenever any foreign supply is really needed, is practically as great as the certainty, under the old law, that the prices must reach 80*s.* before any foreign corn could come into consumption. Why should the importer consent to pay more than the 1*s.* duty, when, by simply keeping back his corn for a few weeks, he can insure to himself this prodigious advantage? In point of fact, the present Corn-law makes it certain that whenever we really have occasion for a foreign supply of corn, the averages in this country will rise to 73*s.* at the least, just as the former Corn-law made it certain that the price would rise to 80*s.* under similar circumstances. The difference between the two is principally between 73*s.* and 80*s.*—a difference in degree and not in principle. I have said, Sir, I think it incontestable, in the very front of the case, that the present Corn-law inevitably occasions a rise of price to 73*s.*, whenever we stand in need of a foreign supply. Not more than five years ago the price of wheat was as low as 36*s.*; and what, then, shall we say of a law which practically ensures a minimum price, before foreign corn can reach the English consumer, more than double the price which wheat bore five years ago, by the simple effect of good and abundant seasons at home? a law which is a main accessory and help in the creation of a difference of price equal to that between 73*s.* and 36*s.*? How shall it be pretended that such a law is favourable to steadiness and certainty of price? The present law contains in itself a certainty that the price will rise up to 73*s.* at particular epochs during every short cycle of years; but it does not contain any certainty that the price may not fall even below 36*s.* during years of abundance. It forces a temporary rise, but it does not, and cannot, sustain the rise, and the extent of reaction to which the fall will go is generally proportioned to the magnitude and violence of the forced rise by which it has been preceded. In both ways our present Corn-law contributes to aggravate the extremes of fluctuation, not to abate them. When prices have a tendency to be high, our Corn-law renders them still higher; when they have a tendency to become low, our Corn-law does not in any degree mitigate the fall, but tends indirectly to aggravate the downward movement. When Gentlemen praise so much the beauty of the sliding scale of duties, on the ground that the consumer is benefited by it, I am tempted to believe that they can never have inquired how this scale actually works in respect to purchase and sale in the corn market. The benefit arising from the fall of duty is almost universally a boon, not to the consumer, but to the importer or the speculator. If the duty falls, the importer may make a large profit; if it does not fall, he makes no profit, or may probably incur a severe loss; but in neither cases will the consumer gain by the transaction. In general, it may be stated broadly that the consumer can never gain except from the greatest possible freedom of competition in respect to the furnishing of the supply, and from the greatest possible certainty and most exact fore-knowledge of the circumstances of the market. I repeat that the rising or falling in the rate of duty is a question of profit to the speculator far more than a question of price to the consumer. You impose upon the speculator the hazard of enormous loss in the event of the duty rising, and he will not continue to import unless he has also the opportunity of pocketing a large profit when the duty falls. In truth when we examine the nice gradations of the present scale of duty, and the adjustment of a varying amount of duty to all the varying amounts of price, it will appear that all discrimination between the different amounts of duty which belong to the range of prices below 63*s.* is useless, and might be omitted. They might all be comprised under the one general word, "Prohibition;" for a duty of 30*s.* per quarter, and a duty of 40*s.* per quarter, each attached to the price put against it in the scale, are only two different modes of pronouncing a sentence of prohibition, and it is for all practical purposes as useless to distinguish one of them from the other, as it would be to graduate the barometrical column of mercury for portions of altitude below twenty-six inches. The real practical working of the scale is confined between the prices of 63*s.* and 73s., and the differences are here felt so violently and painfully as to convert the whole trade into a matter of the most hazardous speculation. Uncertainty is, indeed, imprinted in fearful characters upon all those portions of the present scale which really are significant and effective; and this uncertainty greatly enhances the cost to the consumer, coupled with the additional evil of a serious chance of ruin to the importer A fixed duty would of course remove to a great degree the element of artificial uncertainty out of the trade, and would so far put an end to one sort of mischief. But it would, in my opinion, substitute mischief under another form, and it will depend upon the amount of the fixed duty which you impose, whether such a change shall be for the better or for the worse. A fixed duty may be better or worse than a varying duty, according to the absolute magnitude of the one, as measured against the magnitude and rates of variation of the other. My opinion is opposed both to the one and to the other. I think that the importation of grain ought to be free, subject only to a nominal duty of 1*s.* or 6*d.* per quarter; and if I am required to take my choice between a fixed duty and a varying scale, I am unable to determine the question without being informed of the precise figures which it is intended to place on each side of the account. The object which I seek is to lessen as much as possible the obstacles in the way of procuring corn for the consumer at the lowest cost of production, and to bring the corn trade into a state of as much regularity and steadiness as possible. A fixed duty, if it were high in point of amount, would defeat both these objects, hardly less than the present varying rate of duty. It would be equally burdensome to the consumer, and it would have no other effect than that of rescuing importers from the serious hazard of ruin to which they now stand exposed. A low fixed duty would undoubtedly be an improvement upon the present system. Now, Sir, in reference to a fixed duty, the House will recollect, that the right hon. Baronet opposite, the Member for Tamworth, has declared himself decidedly opposed to it, and has proclaimed his preference of the principle of a varying scale of duty. To that extent, undoubtedly, we have upon record the positive opinion of the right hon. Gentleman; but as to almost all other matters I must be allowed to remark, that he has left his sentiments to be darkly and ambiguously gathered, without announcing them in distinct terms. In the ingenious speech made by the right hon. Gentleman last year on the present question, he made a very elaborate attempt to overthrow the reasonings of those who supported the motion of the hon. Member for Wolverhampton, and to show that no case had been made out against the Corn-laws; but he left it only as a matter of conjecture and inference, without expressing any decisive opinion, whether he was determined to uphold the present law in its literal extents and integrity. Considering the very eminent position which the right hon. Gentleman occupies in the country, and the number of persons to whom his declarations serve as a beacon of guidance and authority, I do think that he ought not to content himself with simple negative and refutation, but that he ought to tell us plainly whether, in his opinion the present Corn-laws are perfect, and admit of no improvement, or what modifications he thinks might be advantageously adopted. I repeat, Sir, that the importance of this question—the prolonged excitement which is sure to subsist with regard to it, and the ascendancy exercised by the right hon. Baronet's opinion, upon whatever subject it is proclaimed—all these consideration appear to me to impose upon the right hon. Gentleman an obligation to declare what extent of modification, if any, he is prepared to accede to it in the present system. Hon. Gentlemen opposite contend, that English agriculture, with all its prospects and prosperity, hangs upon the maintenance of the present Corn-laws. If I could agree with them in this opinion, I should indeed look forwards to the events of the coming years with mournful anticipation. But I entirely dissent from the proposition. I believe, that English agriculture, taking it as a whole, is neither more skilful nor more profitable in consequence of the Corn-laws, I believe, that the only portion of English agriculture which actually does depend upon the Corn-laws, is an unsound excrescence, which, under a wise system of legislation would never have been called into being. The Corn-laws have had the effect of causing an undue proportion of the English land to be turned to the culture of wheat, including both the forcing of poor soils and the overcropping of the better soils. To a certain extent under a free trade in grain, it is true that soils which were never intended for the growth of wheat, would be devoted to some other culture, but the extent to which even this change would take place appears to me to be generally exaggerated. For it is to me quite incontestible that even when the corn trade is free, the vast proportion of the wheat which is consumed in England, must be supplied from the soil of England. To what precise number of quarters the foreign supply might reach in a year of ordinary productiveness throughout England, must, of course, be a matter of conjecture, as well as the price at which wheat would range in this market under such circumstances. I ventured to make a guess upon the subject last year, and I see no reason, from subsequent inquiries, to distrust the probability of the estimate. When I consider the bulk and weight of such an article as wheat, and the extraordinary difficulty of transporting it, even for an inconsiderable distance, by land carriage, and that, even after the land carriage, a long and costly water carriage has to be undergone: all this, coupled with considerable poverty, and want of perfect arrangements for conveyance and communication throughout the producing countries —I must confess, that I feel astonished at the enormous over-estimate which I sometimes hear of the deluge of wheat with which we should be inundated, in the event of the trade being made free. When I examine the aggregate amounts of corn exported in any one year from the corn-growing countries of Europe—from the Baltic ports, from Hamburg, and from Odessa—when I also look at the records of prices of exportable wheat from these ports, in all those years in which there is an efficient demand—I see every reason to apprehend, that the English consumer will not be able to benefit by the opening of the trade so much as I could wish. Sir, there are many bearings of this very important question which I have left wholly untouched, more particularly as it concerns the development and the prosperity of our manufacturing industry. I pass lightly over this topic only because I am satisfied, that there are many other Gentlemen in the House, who, from personal knowledge and familiarity with the manufacturing districts, are better able to do justice to it than I can be. I fear, however, that the statement made by my hon. Friend, the Member for Wolverhampton, of the distress now existing in our manufacturing districts, is but too well founded. And sure I am, that this is one great additional reason for entering at once, and immediately, upon a revision of the Corn-laws. I do not at all pretend to say, that the Corn-laws have operated as the sole originating cause of this distress, but I do assert, that they have a constant tendency, if not of themselves to create, at least to aggravate and prolong distress, and to weaken the influence of all those remedial causes which have their source in the industry and enterprize of the country. Whatever exaggerated hopes some individuals may entertain as to the effects of the Corn-laws, it is within the strictest limits of truth and reason, to say, that these laws are one serious, concurrent, and aggravating cause of public suffering and calamity; and, as such, I believe, that they will be held up to public discontent and indignation, until the re-consideration of them is forced upon the prudence of the Legislature. The longer that re-consideration is delayed, the greater risk we incur of seeing it done under the influence of passion and violence. The question of the Corn-laws will become in England as grave and critical a question as the tariff question in the United States — pregnant with continued discord and danger to the country. However unwilling the House may be to entertain the doctrine I must once more express my conviction that neither the prosperity nor the peace of this country can be regarded as secure, under the existing restrictions on the importation of grain, and under the artificial aggravation in the price of the first necessary of life, to a population already too nearly verging on misery and impoverishment.

Mr. *D'Israeli* observed, that the hon. Member for London affirmed, that the exportation of gold had been the cause of our late financial disorders, and that if we had a free commerce in corn, that disorder never would have existed. Now, he protested against this question being decided as a mere abstract question of political economy. It depended on the circumstances of the nations with which we dealt—on their manners, their laws, their customs, and their engagements. The hon. Member for Wolverhampton had announced to the House that Prussia was ready to deal with us on the basis of an extensive modification of our Corn-laws. The hon. Member in making that annunciation, had assumed a fact which he was disposed to question; and in offering to the House the reasons, or, he would rather say, the facts, on which he questioned that annunciation, he should be able to reply to the arguments which the hon. Member for London had founded upon the assumption that the corn-growing countries were prepared, if we made concessions to them upon the Corn-laws, to carry on with us a well-regulated commerce. The hon. Member for Wolverhampton had pressed upon the House the necessity of coming to a decision on this question without delay; "for," said he, "the tariff of Germany must be decided before the commencement of the year 1842." It was, therefore, of some importance to show that the tariff of Germany could not be regulated in relation to any course which we might think fit to adopt—that our Corn-laws had nothing to do with that tariff—and that it had been conceived before our Corn-laws existed. If he could show this to the House, he had no doubt that it would draw from such premises the inferences which he wished it to draw, and which he considered to be unquestionable. The House would then be in a position to judge whether any steps which we could take could produce that regulated commerce with Prussia and the rest of Germany which the hon. Member for Wolverhampton recommended. He must first call the attention of the House to the situation of Germany upon the fall of Napoleon. There was a great distinction between the empire and the kingdom of France. The restrictive system of Buonaparte extended not only over France, but over Belgium and Holland, and that extensive portion of Germany which formed the Confederation of the Rhine. That part of Germany enjoyed, in consequence, an extensive market in France; but when the French government, on being restricted within the ancient limits of France, continued the restrictive system of Napoleon, Germany found the inconvenience of it. In linen alone Germany found that she had lost a consumer of 8,000,000 dollars. This produced great discontent. The Commercial Union of Germany had been produced by moral principles and material interests. He would refer in proof of this to a very extraordinary paper, drawn up several years ago by Baron Stein, the celebrated Prussian Minister, in which the whole plan of the union was laid down. It stated, that the material interests were custom-houses on an extensive and united frontier; and the moral principles were that system of education which had obtained in Prussia, and would probably obtain in all Germany. He found that our imports from Prussia in 1834, the year in which the union was established, were 724,442*l.*; in 1838, 1,718,541*l.*; that our exports to Prussia in 1834 were 509,089*l.*; in 1838, after the union had been in existence four years, 584,851*l.* These facts, in his opinion, showed how little was to be apprehended from the German Commercial Union, the imports and exports having increased, especially the first. He knew it would be said, that the amount of our imports and exports to Prussia was no real test of our trade with that country, a great portion of it going through the Hanse Towns. He found that our exports to the Hanse Towns, in 1834, were 4,500,000*l.*; in 1835, 4,564,000*l.*; in 1836, 4,433,000*l.*; in 1837, 4,867,000*l.*; in 1838, 4,943,000*l.* This increase, so important, and yet so gradual, was rather inconsistent with the theory of hon. Gentlemen opposite, that our manufacturing prosperity was in a state of progressive decline. It was the fashion to express great alarm respecting the manufactures of Belgium, which was in league with the German Commercial Union. It was true, that in 1830 there were indications of a considerable development of industry in Belgium, which might have interfered seriously with the British manufacturers in our markets; but causes were then at work to produce that development, which no longer existed. The natural resources of Belgium for manufactures were formerly called into action by the capital of the Dutch. The Belgians had also had a great market for their productions in Holland, but the revolution of 1830 might be considered as having dealt a fatal blow to the industry of the country, as it had deprived the Belgians both of Dutch capital and the Dutch market. From Belgium our imports in 1834, were 1,400,000*l.*; in 1837, 1,892,957*l.*; in 1838, 2,308,504*l.* Our exports to the same country in 1834, were 3,220,326*l.*; in 1838, 4,617,439*l.* It seemed, therefore, that with that country, which we were told had been very considerably affected by the Commercial Union, our trade had largely increased. At one of the great meetings lately held at Manchester to petition for a repeal of the Corn-laws, a glowing description had been given of Mr. Cockerill's manufacturing establishment in Belgium. That gentleman was styled the iron king, and he was said to have 2,000 men at work. The fact was, that the real demand for the manufacturing industry of Belgium, had entirely ceased with the cessation of the Dutch sovereignty. The manufactures of Ghent were destroyed, and the ironworks of several other places were only supported by the patronage of Government. What had happened in Belgium since the last discussion on this subject in the House of Commons, was a full answer to the apprehensions of our manufacturers. The Belgian bank had failed, and many great manufacturing establishments had stopped. Industry in Belgium was now all but extinct; there was no market and no demand for its goods; unless some new combination of the elements of the European system took place, there could be no demand. He disclaimed the doctrine which was sometimes imputed to Gentlemen of his side, that we had the power of maintaining our own population on our own resources, a position which he thought was quite as fallacious as it would be to think of maintaining them out of the resources of another power. The real question was, how far it might be advisable to stimulate the industry of this country above that of our neighbours and rivals. The same experiment which the Corn-law repealers were now trying to force on us had been tried in Holland, a country once in circumstances very similar to our own, in the year 1670. A celebrated work which had been published, relating to Holland, contained the following passage:—"Tillage in this country is of no account, for the Dutch say, Europe is their farm." He (Mr. D'Israeli) could not help thinking, that that expression would be an appropriate pendant to one which we were much in the habit of using in this country—to make Britain the workshop of the world. The same principle as in the former case was now at work, the same arrogant aspirations were influencing our manufacturers and the Government, and history told what was the consequence of acting on such assumptions. The year 1670 was a very interesting one in relation to this discussion, inasmuch as it was that in which England ceased to be an exporting nation. Previous to that time several hundred thousand quarters were exported annually, the greater part to Holland. That country was then in the enjoyment of a wealthy commerce, as Britain was at the present day, but it had gradually declined, and left the field in the possession of a more powerful rival. Passing on to the next century, he would read to the House a description of the state of Holland, which he had found in a letter in the library of the House. It was as follows:—

"Rotterdam, Dec. 31, 1772. The Dutch are in the utmost distress for want of bread corn, no wheat having lately come to market from any of the following corn countries,—viz., Poland, Warsaw, Hamburgh, Elbing, Konigsberg, Pomerania, Stettin, Magdeberg, Friesland, Muscovy, Groningen, Oldhampt, Brabant, Zealand, and Great Britain; and what little comes from Foreland of the red sort sells from 17*l.* 10*s.* to 18*l.* 5*s.* per last, and wheat of the white sort from 17*l.* 10*s.* to 19*l.* 15*s.* per last. Neither has any rye come either from Pomerania, Colberg, Stettin, Brabant, Flanders, nor Great Britain; and what little quantity has been brought from Prussia sold from 26*l.* 10*s.* to 28*l.* per last, and from Konigsberg, 25*l.* 10*s.* to 27*l.* 10*s.*, Barley from Zealand, 13*l.* to 13*l.* 15*s.*"

These were facts which he thought should put the House on its guard against the enormous proposition that the industry of foreign nations was to be regulated by a mere devotion to our interests and necessities. He was certain that the arrogant aspirations to which he had alluded were founded on profound ignorance of human nature, and, however, we might modify our own tariff, the industry of other nations would ramify into various courses, and would establish opposing interests in the same community. His object was to impress on the House, that the assumption which prevailed in this country that the changes in the tariffs of other states were the result of the wishes or measures of this country was an error. Other countries could not always be thinking of us; they had their own interests to look to. At the congress of Vienna, Prussia had but 5,000,000 of subjects, she now possessed 27,000,000. By the machinery of the commercial union Prussia had conquered Germany in peace. That union had done as much for Prussia as another Frederick the Great could have done. Throughout the whole of the immense territory embraced within the union Custom-houses were established, at which inspectors in the Prussian uniform were stationed, and in every quarter the money of Prussia passed current. It would be ridiculous to contend that the whole of these countries were not essentially Prussian. If Prussia had conquered them by the arms of her generals, the acquisition could not have been more complete. He had shown that the Germanic Commercial Union was essentially of a political nature as far as Prussia was concerned, and that, however, we might modify our tariff it would have no effect on their legislation. He had shown also that as regarded the league, our commerce was in a healthy and prosperous state, and that the case was the same as related to Holland and Belgium. As these were the countries in which they had been told the commerce of the country would suffer most, he placed confidence in the returns of our principal exports, which hon. Gentlemen opposite had treated as factitious, and he believed that the commerce of the country was in a prosperous state.

Mr. *Labouchere* said, that although he had on every occasion on which the subject of the Corn-laws had been brought before the House voted for an alteration in the present system, yet he had always found the arguments which weighed with him so infinitely better stated by other Gentlemen, that he had never found it necessary till now to trespass upon the patience of the House; and he could assure the House that he should not do so now, if, considering the situation which he held, and its connexion with trade and manufactures, he had not felt it his duty to state to the House, in a very few words, the reasons why he should give his support to the motion. The hon. Gentleman who had just sat down, thought it necessary to warn the House against fostering and encouraging in the people of this country what he termed the arrogant aspiration of rendering England the workshop of the world. He trusted that the House would turn a deaf ear to such a warning. The hon. Gentleman might call this an arrogant aspiration, but he would say, that he looked with hope to that British energy which had led the people of this country to struggle against the weight of taxation, against foreign enemies, and other difficulties, and which had raised us to that pitch of manufacturing greatness which was the real talisman of this country, and from which we could not now descend, he would not say with honour, but even with safety. He was of opinion with Mr. Grattan, that a nation which had arrived at such greatness as England had no refuge in littleness. He held that it was no longer a question whether this should be a great commercial and manufacturing country. With such enormous masses of the population dependent for subsistence on the foreign export trade, the real interests of the whole community must be seriously affected by the extent of our foreign trade. He hoped, therefore, notwithstanding what had been said by the hon. Gentleman, that the great majority of the House, on whatever side they might be ranged on this question, would feel that it was their duty to foster, extend, and encourage the manufactures of this country. He now came to the question before the House. He was opposed, very strongly opposed, to the present system of Corn-laws. We had now had experience for nearly twelve years of the operation of the Act 9 George 4th, and it appeared to him that it had kept none of the promises which had been held out to the House. The promises were, in the first place, that it would maintain steadiness in prices, and in the next place, that it would keep up an uniform and regular corn trade. Now, he thought it would not be denied that during these years great fluctuations had taken place both in the price and the quantity of corn imported. He should be obliged, then, though most unwilling to do so, to refer to figures in support of his assertion. Mr. Canning and those gentlemen who supported the measure in 1828, said that they did not expect the price of corn would oscillate more extensively than between 55*s.* and 65*s.* Now he held in his hand a return of the fluctuations in the price of corn which had actually occurred under the Act of 1828, and he would state to the House what had been the monthly average prices of wheat from 1828 to the end of 1839, so as to show the number of months in which each of the various average prices occurred. He had thought it advisable to put this statement into a shape more distinct than had been hitherto adopted, and the results were these. He found that wheat had been sold, at an average price, under 40*s.* for seventeen months of this period; at an average between 40*s.* and 50*s.* for twenty-three months; at between 50*s.* and 60*s.* for forty-eight months; at between 60*s.* and 70*s.* for thirty-eight months; at between 70*s.* and 80*s.* for sixteen months; and between 80*s.* and 90*s.* for one month.

Therefore, whatever other advantages the corn-law might have produced, it certainly had not answered the expectations of those who predicted that the price of wheat would only oscillate between 55*s.* and 65*s.* —[Sir *R. Peel:* "During how many months had there been an average of between 55*s.* and 65*s.*?"]—He had not calculated this average. As little had the other promises of Mr. Canning and those who supported the measure been borne out by the results. As to the trade in corn, the trade under the measure had been any thing but steady, as the House would at once perceive from the statement which he would now beg leave to make. In the year 1829, when the average price of wheat was 66*s.* 3*d.*, the number of quarters imported and retained for consumption was 1,364,220; in 1830, when the average price of wheat was 64*s.* 3*d.* the number of quarters imported and retained was 1,701,885; in 1831, when the average price was 66*s.* 4*d.*, the number of quarters imported and retained was 1,491,631; in 1832, when the average price was 58*s.* 8*d.*, the number of quarters imported and retained was 325,435; in 1833, when the average price was 52*s.* 11*d.*, the number of quarters imported and retained was 82,346; in 1834, when the average price was 46*s.* 2*d.*, the number of quarters imported and retained was 64,653; in 1835, when the average price was 39*s.* 4*d.*, the number of quarters imported and retained was 28,483; in 1836, when the average price was 48*s.* 6*d.*, the number of quarters imported and retained was 30,554; in 1837, when the average price was 55*s.* 10*d.*, the number of quarters imported and retained was 244,619; in 1838, when the average price was 64*s.* 7*d.*, the number of quarters imported and retained was 1,853,048; and in 1839, when the average price of wheat was raised to 70*s.* 8*d.*, the number of quarters imported and retained for consumption rose to 2,711,308. These returns showed at once how very far from uniform and regular had been the supply of foreign corn. It was to be borne in mind, also, that this law, even at the time it was introduced, was not considered by its proposers as one calculated for all time or to endure amid all circumstances, but, on the contrary, as a measure to which they resorted as a sort of compromise with the existing prejudices. What was the remarkable language held by Mr. Grant, now Lord Glenelg, upon introducing this measure? He said, upon March 31, 1828:—

> "He had spoken of these resolutions as an introduction to something better, but in one point of view they are permanent. As far as the Legislature was concerned, they were permanent. They were permanent until the minds of men could be led to entertain juster notions upon this subject; and could be changed only as the notions which at present prevailed were altered for the better."*

Now he could not help thinking that the notions of men were altered on this subject. At any rate, he was sure that a change of opinion was going on in this country, which indicated that a time was not far distant, when the minds of men would alter for the better; and he could not help saying, with reference to this point, that he hoped, in case he and those who thought with him incurred a defeat that night, that the friends of this change, both in the House and out of the House, would not be discouraged. He hoped they would not give up the cause in despair: he trusted that while they did not think it necessary to resort to violent agitation or inflammatory topics, they would trust to the force of reason and argument, well assured that the day was nigh at hand when reason and argument would gain their just victory. Having referred to the speech of Lord Glenelg on introducing the measure in question, he might also quote the opinion of a noble Member of that House, who also spoke on that occasion, the present Member for North Lancashire, whose opinion being of great weight in that House, he was happy to quote, as it concurred with his own. On one of the discussions on the present Act, Lord (then Mr.) Stanley said:—

> "He had yet to learn the reasons which had induced the right hon. Gentleman to prefer the present bill to that of last session. He was certainly inclined to the opinion of those who abstractedly supported a fixed permanent duty; but feeling that it was impracticable to carry such a measure, he felt that the next best plan would be to adopt such a scale of duties as would keep the price of corn as low as possible, at the same time giving to the agriculturists a fair profit. Still adhering to that principle, he conceived the scale of last year to be much better than that now proposed."

He must say, he had heard with some surprise the complaint made by the noble Member for Shropshire at this question being discussed in that House, a complaint, however, which had been fully met by an hon. Gentleman who had already spoken. Did the noble Lord really imagine that the discontent with the present Corn-laws was confined to the people of the description to which he had referred? Did not the noble Lord know that almost without exception every author of science and knowledge, who had earned any reputation upon such subjects, had declared himself opposed to the Corn-laws? On the other hand, could the noble Lord point out any author of name who had ventured to stake his reputation in support of these laws? When, therefore, it was found that at the same time those who felt practically the pressure of these laws, the manufacturing and commercial classes, and those who looked at the theory as well as the practical effect of things, concurred in protesting against these laws, surely this was a sufficient ground why the Legislature should take the subject into its most serious consideration. A great deal of the discussion last year was as to whether or not our manufactures were in a state of peril and depression; and from what he had heard to-night, he foresaw that this question would form a prominent part of the present debate. The right hon. Member for Tamworth, in his able speech last year, distinctly declared his opinion that our manufacturing interests were in a most prosperous and sound condition. If mere returns were to be considered as a sure and unerring test on this point, the returns of the past year, as to all the staple articles, certainly exceeded those of the previous year. But he thought that the House would come to a rash and precipitate conclusion if upon that statement alone they should infer that our manufactures were in a flourishing condition. Although the export trade had increased, the home consumption had decreased, and, taking the two together, there was a positive diminution in the manufactured products of the country. He did not wish to hold out the language of despondency or alarm; on the contrary, he had the fullest confidence in the energy of the industrious classes of this country. He believed that British enterprise, and industry, and skill could bear up against all difficulties; but he thought at the same time that there was that in the present position of the manufacturing interest in this country which afforded good reasons why the House should take care to do nothing which could, in the race of competition which our manufacturers were running with foreign manufacturers, throw any unnecessary obstacle in the way of British industry. Upon the question of the amount of our export trade, he could not do better than refer hon. Gentlemen to the pamphlet of Mr. Wilson, a work which no one could peruse without admitting how strong and able was the case which he stated. It appeared from Mr. Wilson's pamphlet that the entire consumption of foreign wool in 1838, was 460,756,000 lbs.; and in 1839, 355,781,000 lbs.; showing a diminution of 105,000lbs. The quantity of sheep's wool entered for home consumption was 56,415,460lb. weight; the quantity in 1839 was 53,221,231lb., being a diminution of 3,194,229lb. The quantity of woollen goods exported in 1838 was 6,181,000lb.; in 1839 it was 6,679,000lb., being an increase of 498,000lb. The flax for consumption in 1838 amounted to 1,625,830 cwt.; and in 1839 to 1,228,894 cwt., so that there was a diminution of 396,936 cwt. The exportation of linen manufactures in 1838 amounted in value to 3,566,000*l*., and in 1839 to 4,237,000*l*., being therefore a surplus exportation on the previous year of 671,000*l*. The quantity of silk consumed in 1838 was 4,887,000 lbs.; in 1839 it was 4,756,000lb. The value of silk goods exported in 1838 was 771,280*l*., and in 1839 it was 865,768*l*., being an increase of 88,488*l*. In 1838 there were 19,318*l*. tons of iron entered; and in 1839 there were only 18,437 tons. Again, in the article of oil, extensively used in our clothing manufactures, there was a decline in every description; in train, blubber, and spermaceti oils, from 28,014 tons in 1838, to 22,348 tons in 1839; in palm oil, from 276,809 cwt. to 266,427 cwt.; in cocoanut oil, from 38,781 cwt. to 15,541 cwt.; and in olive oil, from 2,037,987 gallons to 1,815,692 gallons. It would be unsafe, because of an increase in the exports of our manufactures, to come to the conclusion that they were in a state of prosperity; and it was a public duty to look into the operation of the present Corn-laws, to see how far it affected the prosperity of the country generally. In one way the present Corn-laws were decidedly imperfect as a piece of machinery. They operated most injuriously from the manner of taking the averages. In the petition from the merchants of Liverpool they asserted this distinctly: They said that,

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* Hansard, vol. xviii. new series, p. 1385.

"As a proof of the oppression and unjus

working of the existing Corn-laws, by a graduated scale of duties, your petitioners beg leave to state to your honourable House, that although the prices of wheat of good and sound qualities, from the beginning of December last to the present time, have been quite as high as they were in the preceding winter, yet, in all that period the duty on wheat has been 18s. 8d. to 21s. 8d. per quarter; whilst within the same period, in the year before, the duty never exceeded 1s. per quarter, such difference in the duties having arisen from the lower averages occasioned by the unsound state of a large portion of the produce of the late harvest."

He was most desirous that the House should consent to take into consideration the present state of the Corn-laws. Some reference had been made to alterations which a change in our Corn-laws might be expected to produce in the commercial policy of other nations—in the tariffs of other states. He certainly did not feel warranted in holding out to the House any positive expectation that if we were to show any disposition to modify our Corn-laws, that there would be immediately on the part of other nations a disposition to relax their prohibitive duties against British manufacturers. But he must say, that he was convinced it was for the real interest of this country to be put in the situation of being a good customer to other nations. He attached much more importance to such a position than to commercial treaties or to stipulations for the reduction of tariffs. The operation of such treaties was short lived, and they were not to be depended on whenever it became the interest of the party giving the reduction to depart from it. He attached great importance to putting this country in such a situation as to become a good customer to other countries. If we put ourselves in such a situation, we should make it their interest to take our manufactures in return for the corn which we took from them. Upon this subject, he would read another part of the petition of the merchants of Liverpool, engaged in commerce in the United States. He was most anxious to call attention to the case of America particularly, because the operation of the present system of duties was such as to press with peculiar severity on countries which were at a great distance. Under the operation of the present system, the corn-dealers at Hamburg and Dantzic, taking advantage of the sudden opening of the English ports, might pour in their corn, while the dealers of New York might be prevented, from the shortness of the time during which the ports continued open, from doing the same thing. The merchants engaged in the American trade at Liverpool said in their petition:—

> "That the present fluctuating system of duty on corn imported into this country is injurious to all the great interests of the empire, not excepting the agricultural interest itself; and that the operation of the averages acts unequally and to the prejudice of our commerce with distant countries, particularly with the United States; because, whenever the duty falls so as to admit corn at a low rate, the sudden influx from the ports of the continent very frequently raises the duties to a prohibitory rate before time has been afforded for the arrival of supplies from America; hence very large means of paying for British manufactures, on the part of our best customers, are rendered unavailable, hostility to British interests is created, and direct encouragement is afforded for the establishment of rival manufactures in other countries."

They, therefore, looked with the greatest anxiety to the effect of our Corn-laws on the policy of the United States. The present American tariff would expire in 1842, when the whole system would come before the Legislature. At that time, 20 per cent. would be the highest duty upon any foreign article imported into America. He believed there was a great deal of excitement in America on the subject. The manufacturring interest of America had already grown to a very considerable height, and applied for more protection. They urged strongly our Corn-laws as giving weight to their claims on the Legislature for protection. He greatly feared that if nothing were done to alter the Corn-laws, they would find that the middle states, such as Maryland and Pennsylvania, corn-growing and exporting states, who held the balance between the cotton-growing states in the south and the manufacturing states in the north, might conceive it their interest to look to the home market, and that they would be found ranged on the side of prohibition and hostility to English manufactures. Another important subject connected with the Corn-laws was their effect on the monetary system. He was very unwilling to go into details on the subject, but he could not help saying that no man, who had given the most cursory attention to the subject, and observed how the drain of bullion from this country for the payment of the foreign corn which was poured in was effected, and how it operated upon the Bank, constraining it to contract its issues, causing the greatest possible distress and derangement of commercial affairs through the whole country, could doubt that a system which so compelled us to send out gold instead of manufactures called for the most serious attention of the House. By the operation of the present Corn-laws, there were sudden demands for great quantities of corn. But the Corn-laws prevented any regular trade, and therefore it was necessary to pay for the corn so suddenly demanded in gold. There was one topic to which the noble Lord the Member for Shropshire had alluded in a tone of great triumph, and which appeared to be very much dwelt upon by those who agreed with him. He meant the allegation, that it was absurd to complain of fluctuations in the price of corn, when greater fluctuations took place abroad. The noble Lord referred to a return lately laid on the table of the House, in proof of his assertion. He thought he could show that that return afforded no data whatever for that conclusion. There was one fact which would show that there was something fallacious in it. It stated the aggregate average of the extreme yearly difference in the price of wheat between the year 1829 and 1838, at Amsterdam was 48 per cent. and at Rotterdam 26 per cent. It was wasting the time of the House to show that there could be really no such difference between these towns. But the fact was, the averages in England were formed both upon the quantity sold and the price, whereas, in those averages at Amsterdam and Rotterdam, there was no reference to quantity; the highest and the lowest price were taken, although the quantity sold at either might be very small. At Amsterdam some was sold for 63*s.* and some for 27*s.*: in the same week at Rotterdam, some was sold for 38*s.* and some for 54*s.* Averages formed in this way must, of course, vary, as there might happen to be a small quantity sold at a very high or a very low price. It was impossible to make any comparison between the variations of such averages and the averages of this country. He was not prepared to deny the fact that there were great fluctuations in the price of corn at many of the shipping ports abroad, even greater than in England. He believed that to be the case, but he thought it the necessary consequences of the operation of our own Corn-laws. When the price mounted up in England, and the duty fell, so that foreign corn was likely to be admitted duty free, it at once followed that the price of wheat in foreign ports would depend upon the English market, and the fluctuations in such ports might be much greater even than the variations here. He would read from Mr. Wilson's work a paragraph which well explained this matter. Mr. Wilson said,

> "With respect to the other objection to which you allude, namely, that while I attribute the great fluctuations of prices in this country to the effects of our Corn-laws, yet in many continental countries, where there are no Corn-laws, that the fluctuations are as great, I believe, will be most satisfactorily explained by the necessary influence which our laws exert over the whole of Europe. I admit, indeed, as a necessary consequence, that the fluctuations on the continent must be much greater than even here. Thus, for example, in 1834, 1835, and the beginning of 1836, the prices of wheat were so low in this country, as to hold out no hope for many years, of any foreign supplies being admitted. The prices on the continent were, therefore, only established in relation to their own consumption, with a larger supply than they naturally required, the production having been artificially stimulated by the demand for England two or three years before. In the end of 1836, some suspicion existed that, owing to the bad weather during harvest, we should require a foreign supply. This feeling caused a much greater advance in foreign wheat than British. If the market price of British wheat rises 1*s.* per quarter, the price of foreign, with such a prospect, will rise 2*s.*; for, while the intrinsic value of the article rises 1*s.*, the duty for its admission falls 1*s.*, and makes the latter 2*s.* more valuable. Thus, if English wheat in London were worth 60*s.* per quarter, and foreign wheat at 40*s.*, at which the duty would be 26*s.* 8*d.*, if the former rises 1*s.*, to 61*s.* per quarter, at which the duty would be only 25*s.* 8*d.*, there is then on the foreign 1*s.* advance in intrinsic value, and, being then subject to 1*s.* less duty, would be equal to 42*s.* of a market value. . . . . . . Our duties duties being high, when our prices are low, excludes the continent from our market at that time, and depresses them to a most unnatural extent. But our duties being only nominal, when our prices are double the lowest point, gives them a full participation of these high rates. Thus, when wheat is 39*s.*, the duty 47*s.* 8*d.*, and freight, &c. about 18*s.*, no operation takes place with foreign wheat at all. The English price rises to 72*s.*; the duty is 1*s.*; freight, &c. 18*s.* or 19*s.*: if, therefore, wheat can be bought at 53*s.* per quarter on the continent, it will then pay to import; whereas if it had been got as a gift two years before, it would have been a serious loss, if introduced into English consumption. It is, therefore, evident that our own laws render the prices more fluctuating on the continent than even here."

He did not wish to trespass longer on

the time of the House, but there was one point more to which he wished to refer—he meant the enormous loss sustained in bonded wheat. During the first three years of the present law, foreign wheat flowed rapidly into this country. Then it was suddenly checked, and a large quantity accumulated in our granaries, where it remained for six years, till the end of 1836. The noble Lord the Member for Northumberland, in a most ingenious argument on the subject, had calculated the loss thus sustained at 1,100,000*l.* That enormous loss must fall somewhere. It fell on the consumers of this country. In this system there was not even the compensation of contributing to the revenue, at the same time that it raised the price of food. On the contrary, it seemed framed for the purpose of making up at one time to the corn-merchant, by immoderate profits, the enormous losses it occasioned him at another. He could not believe that such a system could be for the real interest of any class. A sound and wholesome corn-trade is of the utmost importance to all interests in the country. He believed that, under such a system, prices could be kept more equal, and that the insular position of England, and its facilities of communication, would make it the best corn-market in the world. It was no satisfaction to him to be told that our foreign neighbours were worse off. He felt we were throwing away great national advantages so long as we kept our ports closed against the corn of foreign countries. In his opinion, it would be neither wise nor expedient to deprive the agricultural interest of protection; and he would give them the protection of a fixed and moderate duty. They would obtain a steady price; and he held it, that a steady price in corn was of much more importance than a low price. He thought that the utmost evil that could be done to all classes of the community would be to have, as they had at present, fluctuating prices. They not only made the trade a hazardous one, but they rendered it the most gambling and speculative of all trades, a much more gambling and speculative trade than it otherwise would be. The present system made every man in the community a gambler. It made gamblers of their manufacturers—of their farmers—of their labourers—of their landowners. No man in the country could know, amid the variation of prices and the oscillation of trade, how to make his calculations beforehand. He knew that in proposing that there should be a steadiness of price, he was proposing that which would be most satisfactory to the farmer and most advantageous to the labourer. Of course Gentlemen would come to a conclusion upon this subject according to their personal experience; for himself he must say, that he had always found the most intelligent farmers to be those the least disposed to rely upon a high protecting duty. He believed that the effects of such a system were injurious to the labourer; he believed that it had a disastrous effect upon the moral character, and a disastrous effect upon the physical condition of all such persons, for it was impossible to tell how it might operate. The Corn-laws were particularly disastrous in this respect, that no man could calculate what would be the value of his property; and therefore it was, that he thought that a change in that system must be of great advantage to the landlords of this country. At the same time, he felt it to be his duty to say, that while he most cordially gave his vote for the motion of his hon. Friend (the Member for Wolverhampton) for going into committee on the Corn-laws, yet he did so with the intention not to repeal those laws, but to give to the agriculturists that protection to which he thought they were fairly entitled.—[Sir *R. Peel:* What amount?]—He thought he might very fairly answer that this was a reserved point, and he might not be required to state his opinions until they went into committee, if he thought they were going into committee. He thought, however, it was a fair question, and he was not disposed to shrink from it. Let them have a committee, and he would give his reasons for that which he proposed. He said, then, that if it were in his power he would fix the amount of duty, not to exceed 7*s.* or 8*s.* Gentlemen might contend that the landed interest would consider that was very low. He confessed that he believed that it would afford a fair protection to the agricultural interest, and place the corn-trade upon a sounder basis than it stood at present. He would also add that in order to meet the objection, that the duty would not be maintained when wheat got to a very high price, he should wish to be provided for that case. He assured hon. Members he had nothing to conceal upon this point. When the price of corn rose to 70*s.*, then he would provide a fall in the duty to one shilling, or a rapidly descending scale from 70*s.* That was what he desired, but at the same time, he did not mean to say that for the sake of a compromise, he would not be prepared to have a higher fixed duty. He believed that any alteration of that nature, instead of the present fluctuating duties, would be a great advantage. He was for a moderate fixed duty, and from the best consideration he had given to the subject, he was sure it would be of great and permament advantage to all classes in the community. He did not think it necessary to trouble the House further. He had, he was aware, expressed himself somewhat imperfectly, but he felt it to be his duty to state to the House what were his opinions. There was one topic more upon which he could not avoid speaking, and submitting it to the consideration of those who did him the favour to listen to him. He could not help thinking from some expressions which had fallen from the right hon. bart. the Member for Tamworth, that he held now, or had held once in his life, the opinion that the present scale of corn duties could not be permanently maintained. If that were the right hon. baronet's opinion, and it was shared in by others, he appealed to them whether it would not be desirable for them to take advantage of the present opportunity for making a change in these duties. At this moment the agricultural interest was in a situation of prosperity. The stock of wheat in the foreign ports was nearly exhausted, and no change that could now be made could produce a superabundance in the supply of foreign corn. He believed that the state of the prices of corn in the market here and abroad afforded the opportunity for making, with advantage and security, an arrangement with respect to the prices, such as could not occur again very speedily. He had felt it to be his duty to make those observations, and he would heartily rejoice if that House did, contrary to his expectation, consent to go into Committee. He believed that, by so doing, they would be affording to all interests in the community, the advantage of putting the corn-trade upon a sounder footing than it ever could be under the operation of the present corn-laws.

Debate adjourned.

HOUSE OF LORDS,

Thursday, April 2, 1840.

Minutes.] Bill. Read a third time:—Consolidated Fund. Petitions presented. By the Marquess of Westminster and Lord Hatherton, from a great number of places, for, and by the Duke of Buckingham, the Earls of Hardwicke, and Haddington, and Lord Wharncliffe, from an immense number of places, against, the Repeal of the Corn-laws.—By the Earl of Rosebery, and Viscount Melbourne, from two places, against the Present System of Church Patronage, and against Granting any further power to the Clergy.—By Earl Delawar, from Heathfield, against the Grant to Maynooth, and for Church Extension.—By the Earl of Fitzwilliam, from Bilston, against Church Extension.

Corn Laws.] The Duke of *Buckingham*, after presenting a number of petitions from Cornwall against any alteration in the existing Corn-laws, said, he would take the opportunity of expressing his regret at having seen what he had said respecting the payment of the labourer, mis-stated in a morning paper. It was stated there, that he said he thought the labourer was well paid at 9*s*. a week. That was not his opinion, and he had never so stated it. The more the labourer could get, the better satisfied he should be. He only hoped and trusted the Corn-laws would never be repealed, for if they were, the wages of the labourer would be reduced to a very small pittance.

The Marquess of *Westminster* said, the petitions which had been presented in favour of the Corn-laws, were many of them not very numerously signed, and a great many came under suspicious circumstances, as coming from the same parts of the country, the petition he had to present was of a different sort—it represented the opinions of a large community of Liverpool. If their Lordships had attended to the representations that had been given, they must be aware that great distress prevailed in the manufacturing districts. It was clearly predicted in 1815, by the noble Lord opposite (Ashburton), that such would be the result, and he was sorry to observe that the noble Lord had changed his correct opinions after his prophecies had been fulfilled. In 1828, the noble Lord (then Mr. Baring) said, that such a law would drive our manufacturers into foreign countries, and cause much distress at home. He regretted that the noble Lord had now changed his opinions.

Lord *Ashburton* said, that if the noble Marquess had made a motion on the subject of the Corn-laws, he should have been very glad to discuss the question with him. The noble Marquess, however, had been pleased to talk of him (Lord Ashburton) as a "sentinel," and the noble Marquess took care, that from day to day he should keep that sentinel on the *qui* *vive.* The House would therefore excuse him if he offered a few words in reference to his alleged change of opinion. In 1825 he had certainly taken a strong part in the House of Commons in a proposition which was then made for augmenting what was called the protecting duties on corn. He might have used on that occasion expressions strongly indicative of his apprehension of over-stretching such protection, and he should observe that the fashion of the House of Commons, at that time, was to go into extremes on such subjects. The question, however, at that time was not a repeal, but an increase on the protecting duty of from 66*s.* to 80*s.* Many Gentlemen in the House of Commons even thought that 80*s.* was not sufficient, and especially Sir Henry Parnell, who expressed as his opinion that 125*s.* would be a fair protecting duty. Sir Henry Parnell, however, he believed, was now in favour of an alteration in the existing laws. If he had also changed his opinion on the subject, it would not be the first time that he had done so on subjects of greater importance, and he should not have the slightest hesitation in admitting such change in the House. If at any time he had thought that the protecting duty which had been established was working ill for the great interests of the country, he should be the first to express such an opinion. He should be certainly sorry to see an extreme protection on corn—he should be sorry to see that protection raised beyond what it was at present. If there had been a proposition to take into consideration any particular scale of duty, he would not say that he should be unwilling to enter on the consideration of that subject, but he was not willing to enter on the consideration of it with persons who were totally hostile to the protection of our agriculture. When the question came regularly under consideration he would state his reasons for maintaining the system as it existed, and for thinking that it had worked well, even for the manufacturers, who were represented as so much injured by it. The noble Marquess opposite had great objections to fluctuations in prices, and the noble Marquess spoke of that as one of the greatest evils of the Corn-laws. But it was proved by a paper which had lately been laid before the House of Commons that, from 1815 to 1838, the fluctuations in Prussia, Poland, Westphalia, Sweden, Bordeaux, Riga, and Trieste, had been double the extent of those in England during the same years. He would now only apologise to the House for having so long detained them.

The Earl of *Radnor* said, that when an individual of the eminence of the noble Lord gave expression to such a variety of opinions—to such unaccountable alterations of opinion—it was no wonder that he should be kept a little on the *qui vive.* The noble Lord said, that he thought the existing laws had worked well, and he said also, that he should have no objection to canvass the question, if some proposition were brought forward by parties who were not hostile to all protection to agriculture. If the noble Lord thought that the Corn-laws had worked well, what was the necessity for canvassing them? But the noble Lord had previously entertained very different opinions on this important question. In 1815 he had delivered a speech which contained the expression of opinions entirely opposed to those which were now advocated both by him and by the whole body of the supporters of the present Corn-laws. One of the principles laid down in that speech was contained in the following sentence:—"No Government ever went on so absurd a principle as to force an independent supply." Now, in the course of the remarks made by the noble Duke (Richmond) the other night, in which he attempted to inflict a severe castigation upon him, he had expressly stated, that that was the very thing the advocates of the Corn-law wanted. Other opinions expressed by the noble Lord (Ashburton) in 1815 were directly opposed to the opinions which he now held. In 1828, also, the noble Lord had expressed himself very strongly opposed to protection. He then said, "that he could not think how it was possible that any reasonable man could talk about protection to corn, wool, and other articles, when the difference in the price of bread between this and other countries varied from 25*s.* to 64*s.*" He also said, that the experience of Holland ought to have given a lesson to this country. But now the noble Lord entertained very different opinions and talked in a very different manner. He was in the constant habit of receiving letters which detailed to him the lamentable distress which prevailed in the manufacturing districts. The accounts of such distress, he was sure, would harass the minds of their

Lordships. A small tradesman of Manchester, who frequently communicated to him on the subject, and whose letters, though their writer was entirely a self-taught man, were very interesting, told him plainly the state of things which then prevailed. This man, in one of such letters, had said, "The newspapers will tell me that things are getting better; I will tell you that they are getting worse." He also stated facts which spoke for themselves. He told him that "machine-makers were beginning to work half-work," and also, "that lately in this town a large manufacturer had dismissed 250 men." The noble Lord (Ashburton) had formerly stated, that the principles which he then supported were founded on reason and experience, and he then predicted a state of things which have since come to pass; and, having done so, how could he now get up and say those arguments were fallacious, and that on the whole the present Corn-laws had worked well? Let them look to the accounts from the manufacturing districts, and let them see how the present system had worked, and then say whether it had worked well. He would say one word respecting a paper which had been put into his hand since he had entered the House. It was a paper which demanded a good deal of inquiry and consideration; but he thought that even at first sight, he was able to answer the arguments which might be deduced from the facts which it unfolded. From this paper it appeared that there was only one country in which the variations of price were less than in this country. He would tell their Lordships that the variations of price, even in other countries, were owing to our system of Corn-laws. It was not to be supposed that their effect was only felt in England. Every country with which they carried on commercial intercourse—every nation having a commercial connexion with ourselves, suffered from their injurious effects. The majority of these countries, too, in which there was so great a fluctuation of prices, were exporting countries. The only country in which the variation was less was a country which never thought of exporting at all, and that country was Sweden. It was evident—and this fact was in a great measure attributable to our present fluctuating Corn-laws—the more a country exported, the greater were the variations in its prices. He thought that he had explained the grounds why this country was not so fluctuating in its prices as others, and he felt assured that no argument in favour of the present Corn-laws could be drawn from that fact.

Lord *Ashburton* was sorry to detain the House on any matter personal to himself, and regretted that any opinions which he might have delivered years ago should occupy their Lordships' attention; but as a serious charge of inconsistency had been brought against him, he felt bound, in justice to himself, in justice to his own opinions, and in justice to their Lordships, to answer, as shortly as possible, the charge then made. He, in the first place, did not hold himself answerable for the reports of the speeches which had been read by the noble Lord; but this he would confess, that he believed, that in 1815 he had used some such arguments as those referred to against any increased protection upon agriculture. He believed that on the introduction of the bill of 1815, in the House of Commons, he had then felt it to be his duty to speak and vote with the minority—a minority of about thirty to nearly 600—against what was called "over-protection." He, however, did believe that he had used such expressions as had been quoted in 1828. This, however, he would confidently say, that neither when the present law was introduced, nor at any other time —and on this point he felt quite confident—had he ever expressed any opinion adverse to the principle of protection. The noble Lord had rather misrepresented his present opinion on the Corn-laws. He never had been, nor was he at the present time, a person of extreme opinions as to protection. He looked with extreme anxiety on the question, watching, at the same time, the effects on commerce and our manufactures which protection had and was likely to produce. He was sorry to detain the House on the subject, as he did not in any measure set himself up as an authority upon it, but he had been compelled to answer the personal charge brought against him. He was quite ready to listen calmly and dispassionately to a proposal of any alteration. For his own part, he would have no objection to go into committee with the opponents of the present Corn Laws and consider the facts and arguments drawn from them which they might bring forward. But still he must express his opinion that the measure had, on the whole, worked well. As to the petition which had been presented by the Noble Marquess, he would say that he had habitually a great respect for petitions from the people, but that respect was in a great measure diminished on the present subject, considering the agitation which had aroused the country. Every means had been used to procure petitions and to obtain from the body of the people expressions of opinions adverse to the present system. Lecturers were sent through the country, meetings were held, the distress of the mercantile world exaggerated, and these unfair and unconstitutional means were adopted for the purpose of loading the tables of Parliament with petitions against the Corn Laws. Petitions thus obtained could not be expected to receive that consideration and to bear with them that weight to which they would be otherwise entitled. The commercial distress which existed might in a great measure arise from the derangement of the currency, but such distress had been much exaggerated. The manufactures of this country had during the last few years much increased. In 1839 the exports had increased to the amount of two millions; and the cotton manufactures, which were represented to have suffered so severely, had increased a million in the course of a year. The facts, therefore, failed his Noble Friend, and with him, all the opponents of the Corn Laws. Looking also at the steadiness of prices in this compared with other countries, it was impossible to say that the system had not worked well. The paper referred to by the noble Lord, which had been produced, not by an agriculturist, but by those entirely opposed to all protection, clearly established this. He felt called upon again to express his regret at having thus detained their Lordships, and in conclusion moved for some returns showing the average prices of wheat, oats, and barley in this and other countries, and for some other papers connected with the subject, the details of which did not reach us.

The Earl of *Haddington* said their Lordships need not fear that he should prolong this discussion. The great importance of this question was a reason why it ought not to be discussed in this desultory manner. It was unfair to the question itself, and inconvenient to the House, to pursue the present course. If any noble Lord thought it desirable that a formal discussion upon the corn laws should take place, why not give notice of a resolution, or adopt some other mode of bringing the subject regularly before their Lordships for debate? No doubt the natural course would be, supposing that there was any expectation of a bill on the subject coming up from the other House, to wait for that bill; but, in the non-arrival of such a bill, he saw no reason why their Lordships should not discuss a question of major importance like this. He must, however, protest against the present mode of discussing it, because he perceived that night after night great inconvenience was occasioned by it, and that noble Lords could not in this way do justice either to themselves or to their opponents. The noble Marquess opposite, on a former night, read a speech to convince his noble Friend that he was guilty of some inconsistency in his opinions, and that night he had read a great deal out of a newspaper 25 years old—[The Marquess of *Westminster*. A newspaper of 1828.]—He begged the noble Marquess's pardon, the paper was only 12 years old. But no sooner did his noble Friend state what his opinions were now, and the different situation of matters now, than up got his other noble Friend (the Earl of Radnor,) and proceeded to read a long debate on the corn laws, from a newspaper printed a quarter of a century ago, in order that his noble Friend, whose opinions were of the greatest importance on this as well as on other subjects, might be convinced that he had altered his opinions. If there had been any change or opinion on the part of the noble Baron on this subject, he thought the great weight and support of his authority should hardly have led the noble Earl to believe that change or modification could have been lightly made. A noble Earl, who had sat some years ago for the borough of Downton, then voted against Parliamentary reform, but afterwards in that House he was an eager supporter of that measure. He was not aware that the noble Earl was or ought to be attacked on that ground, but it might serve as an answer to his attacks on others for changing their opinions.

Petition laid on the table.

ANGLO-SPANISH LEGION.] The Marquess of *Londonderry* said that, having given notice of his intention to bring this subject before the House, he now rose to perform that duty, to which he had been appointed by the officers of the Spanish legion. The officers of that much-injured body had appointed him, who, humble an individual as he was, felt deeply interested in their affairs and had always watched narrowly over their interests, to present the petitions which laid open their grievances, and which asked for the kindly consideration of their Lordships; and he thought, considering the deep interests involved, that the House would forgive him for pressing the case of these officers on its most serious attention. He held in his hand two petitions from the officers of the British auxiliary legion—those officers who had in vain endeavoured to obtain their rights—who had so long continued to struggle against those grievances into which they had treacherously been led, and for which they were now unable to obtain compensation or redress. He could not better state the views of these officers than by reading their petitions, which he would now have the honour of laying upon their Lordship's table. Of these two petitions, one was signed by 300 officers. The signatures to this one were affixed by an agent, who had been intrusted with powers of attorney for the purpose. The other petition was signed by 180 officers, who had each attached his own name. They were both, however, signed by officers of the highest rank, by brigadier-generals, captains—in fact, by all the officers of various ranks, from the highest to the lowest in the legion. The petition stated as follows, and he would claim at their Lordships' hands, after the reading of the petition, an answer to the question whether one single point could be urged against the demand which was made by these unfortunate officers, and whether they had not a clear and decided claim upon those Ministers who had urged them into the service, who had pressed them to engage in the conflict, by promises of present encouragement and future reward, and who, according to his opinion, stood in the position—if they were unable to compel the payment by the Spanish Government of these just claims—of being themselves bound, by every sense of justice and honour, to make them good. If a Government once gave a guarantee, they were bound on every consideration to carry it into effect. The present Administration had induced these men to engage in this unfortunate service, and they were strictly bound either to exercise their influence with the Spanish Government immediately to meet the just demands of these deluded men, or themselves to satisfy their claims. The noble Marquess here read the petition, which, after giving a detailed statement of the claims of the petitioners, concluded by asking redress at the hands of their Lordships. That was the petition from the officers who had signed through the agent, by means of the power of attorney. The other was a petition to the same effect, signed by those officers who had affixed their own names. He would not trouble their Lordships with reading it. He was very unwilling to detain the House on this subject at any great length, but the circumstances of the case pressed themselves on attention, and demanded a full and fair inquiry into the claims which were set up, He was most desirous too, of bringing the subject before their Lordships, as a gallant Officer had come forward in another place, and had stated his intention of introducing the question. That gallant Officer to whom he referred, had not previously intended to bring the question forward. No doubt acting under the influence of a very refined delicacy, he had been desirous of allowing the question to remain undisturbed, but now, as stated, believing that the government of Spain was in a more organised condition, he had determined to bring it forward. Why he had thus long held back—why he so long refrained from urging on the Government the just claims of his fellow-officers, it was not for him to say. He would read to their Lordships a letter from Sir De Lacy Evans to the general officers of the legion, and their Lordships would then see that the grounds which had been stated, and the arguments urged by him four years ago, were now borne out by the facts which were then stated. Reading that letter, and hearing those facts, it was impossible for noble Lords to look at the case fairly and with justice, and to deny the claims of these officers to the pay, and the gratuities which they demanded. This letter, which he would read, was a very remarkable one, for it stated the opinions of the writer; and their Lordships must recollect that the writer was no less a man than Sir De Lacy Evans. On the whole service—a service which, however contemptible, and of which nothing remained but its wreck, would still live in the remembrance of Englishmen, not willingly inclined to forget how improperly the service of their countrymen had been directed, and how basely the army of their country had been disgraced. That was a letter addressed by Sir De Lacy Evans to all the general officers under his command, and it was dated in 1836:—

(Copy.)

"Head Quarters, San Sebastian, Nov. 1836.

"Sir,—I beg to acknowlege the receipt of your letter, representing to me the distressing state of our officers and men from the long accumulating arrears of pay due to them—the painful wants they are exposed to—the precariousness of supplies in our present isolated position, and the dangerous and discreditable results which may be apprehended from a continuance of these circumstances.

"It is impossible for you to feel more poignantly on this subject than I do, and it is but justice to myself to take this opportunity of stating, that I did not accept of the appointment proposed to me of forming and commanding the corps, until I had received earnest and repeated assurances from the Spanish Ambassador, General Alava; the Minister of Finance, L. Mendizabal; the then Minister of War, the Duke Ahumado; and the Prime Minister, Count Toreno, that the engagements towards the troops in regard to their pay and allowances should be 'most exactly and religiously fulfilled,' and with 'rigorous punctuality,' and also that magazines of provisions should be formed exclusively for the legion at Bilboa, Vittoria, and San Sebastian. Such were the strong assurances and unqualified promises under which I was led to undertake this (to me at least) very arduous task.

"If, then, the officers or men complain of being disappointed or deceived, I have not been less so; doubtless, however, a part of this failure of engagement must be attributed rather to the unforeseen political difficulties of the country than to intentional want of good faith. But it must still be a matter of surprise or regret that we should have been subjected to so much greater privations and neglect than the national army, which could so much better have borne them, than young, but especially young British troops.

"It is now nearly a year during which the legion has been abandoned to this condition of distress; inefficiency, disease, disorganization, desertion, retirement of numerous officers, and even mutiny have been amongst the consequences. No efforts on my part, which my humble ability could suggest, have been wanting to obtain relief—at one time the deplorable destitution of the legion, at other times, the scarcity or precarious supply of provisions or clothing, have been sources to me of constant anxiety. Her Majesty's successive Ministers have, no doubt, been annoyed and disgusted with my unceasing importunities, nor have I been less so with myself, in being forced to adopt a course so foreign to my feelings and habits, so irksome, and I must almost say degrading. In these unavoidable remonstrances I have even incurred the personal displeasure of her Majesty, the Queen Regent, but there was no alternative. Thus situated, I have no personal motive for continuing my own services in this country, or for endeavouring to persuade others to do so. In fact, with regard to myself, I have frequently declared my inability to contend with these difficulties, and as frequently have submitted the expediency of selecting some one to replace me, more capable of executing this duty, for I have felt, and continue to feel, my position as a most painful and thankless one; suffering from neglect, with little support, exposed to an unprecedented and rancorous political hostility, and with a peculiar responsibility, imposed on me, heavier than any Government has a right to expect any individual to bear.

"Finding my constant applications by letter unavailing, I have several times sent officers to Madrid to remonstrate personally, but each of these missions has failed, and the last more signally than any of the preceding. The royal decree issued on the occasion, indicating the sums of money to be remitted, remain in fact a dead letter, not more than a mere fraction of the amount having reached us, consequently we are nearly one thousand pounds more in arrear than when the last application was made.

"But, if I have encouraged the troops by assurances of my belief that justice would be done them, thus, perhaps, incurring some additional moral responsibility, it was not merely from the assurances given by the Spanish Government, but from the conviction that the responsibility eventually and really rests with our own Government, under whose auspices, and at whose desire, and that of our own Sovereign, we have entered this service. This has appeared to me obvious, and that an an appeal to this quarter as the last resort, to cause the past claims of the troops to be satisfied, and the future to be guaranteed, would be acceded to; and especially to secure the compensations for wounds, and the pensions of the widows of those killed in action.

"We have also to solicit assistance in regard to a supply of rations, and of fuel and lights for the coming winter, a failure in which, even from day to day, we are menaced with from the commissariat having no funds.

"It is therefore obvious that the time has fully arrived for making this appeal to the British Government, it being no longer possible to place the smallest reliance on the promises on which we have hitherto counted.

"I therefore proceed to represent to the proper quarters this final view of our situation, nor can I doubt of its favourable result, since the amount in question is quite inconsiderable, in a national point of view, and the British Government cannot have the slightest difficulty in securing the repayment, for instance, on the revenues, or a colony, whoever may form the Ministry or Government of Spain.

"I have thought it but fair, in my own justification, and for your full information on the matter, to remind you of these circumstances, in reply to your letter. I have the honour to be, Sir, your most obedient and most humble servant,

(Signed) "DE L. EVANS.

"To Brigadier General ———."

That was the mature expression of Sir De Lacy Evans's opinion on this subject to the unfortunate officers who were now suffering from the injustice of the Spanish Government, and who had been encouraged to enter that service by him as well as by the noble Earl, the British ambassador, by Colonel Wilde, and her Majesty's Government, to expect that these claims should be fully satisfied. But these officers and men were not politicians; they could not judge whether the Government had a right to give such a guarantee. Those officers had entered the service only anxious to "brave the battle and the breeze;" and he had been one of them who in that House had protested against the employment of these troops; but that was no reason why, now that he saw them abandoned and wronged, he should not stand up and humbly endeavour to advocate their just claims. If the Government still assured them that they were exerting their influence with the Spanish Government for the purpose of obtaining redress, he would answer that by reading to their Lordships an extract from a letter of a high authority at Madrid, whose signature he could give if it were necessary, but he was quite sure that the noble Earl, if he heard the name, would admit that the letter came from a very high authority, with respect to these particular claims. The noble Marquess read the extract, in which the writer said,

> "That the Spanish Government, he was persuaded, did not intend to liquidate the claims of the legion; it was a child of Mendizabal's; that party was now out of power, and with those who were in it, was anything but a favourite. Did he imagine that they cared one straw for the legion's claims? If so, he was mistaken, and might abandon that idea altogether."

That document came from Madrid, and in the face of such communications, it was not possible that he could credit the assertions which were made. But the noble Viscount came down to that House and moved a vote for the high services of that admirable officer who served her Majesty in Canada; and he could assure the House, that no man felt more strongly how well that vote was deserved than he did; but if the noble Viscount was obliged to admit that these officers and men, whose claims he now pressed upon the House, had been employed in a service not less difficult, and attended with much greater misery and deprivation, it was almost impossible to conceive that he should allow them to remain without the pay which they had so hardly earned. The sum certainly was not large; and though it might be said by some of his noble Friends, that there were then claimants who deserved precedence, he replied, that there were none who had exposed their lives as those men had upon the faith of assurances given by their own Government. If the noble Viscount became security for another who afterwards was unable to pay the debt, the noble Viscount, as an honourable man, would think himself bound to pay. Ought he not, then, to carry into effect the guarantee which virtually the Government had given; or if they had no right to guarantee the payment of those claims, was he not bound to press them with determination upon the Spanish Government? It was impossible that the noble Viscount should say that the Spanish Government was unable on account of its poverty to liquidate these demands. That would be absurd, because they had seen what the Queen of Spain had said in her speech, and there was nothing at all about a want of means there. They had voted to Espartero God knew what—something like an annuity of 10,000*l.* That must be charged upon something, and yet the troops of this Duke of Vittoria had not done or suffered half, of what had befallen these unfortunate men. He could not believe that General Alava himself could be perfectly happy and satisfied with the present state of this question, seeing the soldiers bringing day after day their petitions before Parliament as the place of last resort in which they could hope for justice. He had taken up this subject from a paramount sense of the fairness of these claims. Many noble

Lords did not feel the same interest in it—they had not served with these officers as he had done—they could not enter into the feelings of a British soldier as to this deprivation of their pay. Many might say that they had been well served for entering into such a service, or that the Government could not guarantee to them the payment of their debt, and that the House of Lords had nothing to do with the matter; but they were obliged, with reluctance, to appeal to that House and to Parliament, as a tribunal of justice of the last resort. They had attempted in vain to obtain redress elsewhere, and information now had been handed to them that none would be given. They appealed, therefore, to that House, and that was an appeal which they could not resist; nothing could be said against their demand. The time had now arrived for pressing their claims, Sir De Lacy Evans having at length come forward with his letter, and intimated his intention of introducing a motion on the subject. When that gallant Officer did that after Easter in the other House, he certainly should second him in that House, either by moving an address to her Majesty, praying her to give effect to these claims, or in some other mode; and it was impossible, in his view of the matter, that the Government, or any noble Lords around him, could resist so just a claim. The noble Earl (Clarendon) might think him tedious, but there was another point to which he was anxious to allude. He had a case to make out; that case must go before the public; and though it might not be deemed of interest in that House, he would tell the noble Earl, that when the whole case was submitted to the public, and when it was known that four hundred British officers could not get their pay, a very general feeling would be excited in their favour, and the greatest disgust would be felt at the course which her Majesty's Government had taken. He could tell the noble Earl, that he would hear through that ordeal and that channel, which was a pretty good signal generally of the feeling of the country, how this transaction would be viewed, and that the injustice of it would be deeply felt, he had no doubt. He believed that the proceeding throughout, and especially that commission which had been appointed, would be regarded most properly as a mere manœuvre, utterly despicable, and unworthy of the Spanish Government, and of all who had been connected with it. The noble Earl had on a former occasion challenged him to say why he had not sent to Mr. Dundas or to General Alava for his information, but it was not natural that he should send to them; but he had gone to an individual who was as well able to give him the information, and whose testimonials were unexceptionable. And, with reference both to those testimonials and to the statement which he had delivered to him (the Marquess of Londonderry), he ventured to say that nothing could be said against Mr. Bradburn. However, as the matter was of some importance to that gentleman, he would read to their Lordships a copy of a letter to Mr. Bradburn from Sir De Lacy Evans:—

"Copy of a letter from Lieutenant-General Sir George De Lacy Evans to Thomas Bradburn, Esq., dated Bryanston-square, Dec. 19, 1838;—

"Dear Sir—In reply to your request, desiring my opinion of your fitness for the office of Secretary to the Artesian Company, I cannot hesitate in assuring you of the high sense I entertain of the exertions, ability, and intelligence you have displayed in promoting the claims of the numerous officers of the British Legion for whom you have been agent, and that from what I have witnessed of your conduct, your clear knowledge of business, influential address, temper, and high integrity of character, would render you a most valuable acquisition as secretary to any public body engaged in a commercial enterprise.

"Although I should much regret that anything should withdraw you from the business you have now in hand, in which your services are so justly appreciated, be assured that anything to your personal advantage will be heard of with much satisfaction by, dear Sir, your very faithful and obedient servant,

(Signed) "De L. Evans.

"Thomas Bradburn, Esq., 30, Eaton-street, Pimlico."

There was another testimonial which he would read to their Lordships; it was a letter from Dr. Williams, the physician to the Spanish embassy:—

"From Dr. Williams, Physician to the Spanish Embassy, to Thomas Bradburn, Esq., dated Dec. 8, 1838.

"Dear Sir—Although any opinion of mine may not have much weight in the obtaining of your wishes, perhaps that of General Alava, the Spanish Ambassador, may; I therefore feel no hesitation in stating, that his Excellency has expressed himself in the most favourable terms towards you in relation to your exertions in favour of the legion claimants, and has given good proof of his confidence by desiring me to announce to you, that he intends appointing you his private agent should he require one. This from a man of the General's rank and high character is a compliment indeed, and one to which I believe you are very justly entitled, for to your perseverance and activity we are much indebted for the commission appointed to examine and adjust the claims.

"Believe me, dear Sir, yours, &c.,
(Signed) "Thomas Williams, M. D."

He hoped that he might be permitted to receive information from a gentleman who was introduced to him with such testimonials, without being liable to the charge that he went to the high-ways and by-ways for his information. He had not sought the trouble of advocating these claims; but he had not chosen to refuse his humble exertions in their cause, because it would have been ungenerous to do so. In discharging that duty, however, he went not into the high-ways and by-ways to get his information; he was not one of that class. The individual came to him, laid his statement before him, and produced his testimonials; and when the noble Earl said, that that was not creditable information for him to use as a Peer of Parliament. [The Earl of *Clarendon:* What is the date of General Evans's letter?] It was dated the 19th of December, 1838. He had submitted these testimonials to the House, because the matter was of importance to the individual; and because they showed that he had good grounds for relying upon the information which he had received. Now the statement of Mr. Bradburn was this:—

"Military and General Agency Office, 30, Lower Eaton-street, Pimlico, March , 1840.

"My Lord—Having been the principal, if not the only, agent employed by the legion claimants on the Spanish government, I am compelled to take, as applying to me, the observations made by the Earl of Clarendon, in a recent debate in the House of Lords, on the occasion of your Lordship bringing forward the case of the claimants; but, with permission, I feel quite confident, that I shall be able not only to show, that the character so truly drawn by the noble Earl is not one to which I have the slightest claim, but, unfortunately for his Lordship's information, it so correctly describes the parties whom he has taken under his protection, namely, the Spanish authorities, their commission, and the commissioners' clerk or interpreter, as to leave no one at all acquainted with their acts in doubt; for, unless I on the one hand completely exonerate myself from any of the charges, and on the other fail to prove that the parties I have now alluded to are those with not much knowledge but with a large infusion of the spirit of mischief, who for the sake of their own paltry emoluments, are most anxious that the labours of the commission should not be cut short'—(those were the words of the noble Earl himself in that House)—your Lordship shall be at perfect liberty to withdraw that confidence which you have hitherto reposed in my statements.

"When your Lordship did me the honour to make inquiries as to the claims of the legion, you must be aware, that all the information required, I immediately and freely afforded—not certainly from any factious motives, as implied, but solely for the purpose of benefitting my unfortunate clients, and of putting your Lordship in possession of important facts, I at the same time remarking, that I did not blame Viscount Palmerston for the apparent apathy exhibited by his Lordship, feeling certain that he had not been informed of the disgraceful conduct pursued towards the claimants by the commission. I am equally confident, that your Lordship will do me the justice to admit, that at the time I furnished the list of superior officers rewarded by her Majesty's Ministers for their services in Spain, in connection with the legion, that I did so as an evidence that the Government having in such a manner noticed those services, they were equally bound to see justice done to the subordinate officers and men, by demanding from Spain an immediate settlement of their so hardly-earned claims.

"Under the circumstances stated, it was, therefore, with deep mortification and astonishment I heard from Lord Clarendon, not only a disclaimer of the several charges which I had considered it my duty to make through your Lordship, but such a statement of the constitution and working of the commission in every way so directly contrary to truth, that I should be forgetful of what is due to you, my Lord; to the public, which has always sympathised with us; and to myself, did I omit to notice and to refute such statements. Not that for a moment I mean to insinuate, that my Lord Clarendon had intentionally given any colouring to the transaction, his Lordship did not conscientiously believe he was warranted in doing from the information he had received, nor can I remain much in doubt from whence that information emanated, namely, from either the Spanish authorities or the commission.

"In the teeth, therefore, of Lord Clarendon's statements and disclaimers, I solemnly reiterate the charges made by your Lordship.

"1stly. I state that contracts have been agreed to or broken as it suited the purposes of the commission.

"2dly. I state that pensions, medical boards, and compensations for wounds, have been refused without just grounds.

"3dly. I state that decisions of the War Office in favour of several of the claimants were kept back, and not acknowledged until the truth was forced from the commissioners, by dread of exposure through the public press.

"4thly. I state that pay has been allowed to some officers who had no claim to it, and withheld from others who had the British regulations to support them in their application.

"5thly. I state that gratuity has been denied, to several who had done good service, and given to others who had been dismissed, or retired without leave. And I now as unequivocally deny (having documentary and other indisputable evidence to produce in support of my assertion) the following statements made by Lord Clarendon:—

"1st. I deny that the accounts of the legion were of a complicated character.

"2d. I deny that the commission had proceeded in the examination of these accounts with the most complete good faith.

"3d. I deny that the commission considered that no more claims would be brought forward when they issued an order for its closing.

"4th. I deny that any advertisements have ever been inserted in either Ireland or Scotland (where the greater number of the men of the legion were raised) announcing the sitting of the commission, although, strange to say, a small number of placards were sent to those countries for distribution, giving a few days' notice of its close.

"5th. I deny that no remonstrance was made by any of the superior officers of the legion, as the protest which I considered it my duty to make to Sir De Lacy Evans against the closing of the commission on the 6th of September, was by that gallant officer immediately forwarded to Viscount Palmerston, and the means of causing its extension to the 30th of the same month.

"6th. I deny that Mr. Rutherford Alcock was selected or appointed by the legion, or possesses in any way the confidence of the claimants.

"7th. I deny that the Spanish commissioner has been long a resident in London, or is at all acquainted with the English language, or our mode of conducting business, in corroboration of which he has been obliged to employ a clerk or interpreter, a Mr. Castaneda, to whom many of the obstacles and annoyances experienced by the claimants are to be attributed.

"8th. I deny that every point on which the referees decided was submitted to the War Office.

"9th. I deny that the commission has given satisfaction to the great majority of the claimants.

"10th. I deny that the commission was open at the time stated by Lord Clarendon.

"Nay more, my Lord, I charge the Spanish authorities with having had an intention of defrauding all those whose claims were not presented before the 30th of September, 1839; which intention they would have carried into effect, had it not been for my humble endeavours to prevent it, in which I was ably supported by Sir De Lacy Evans, who I have no hesitation in referring to for the truth of the statements which I have made, the documents in support of several of which I had submitted to him long since. Should, therefore, the Government, Lord Clarendon, the Spanish Ambassador, or the commission require me to prove what I have advanced, I am quite ready and willing to enter the lists with any of them, or all, and with truth and justice at my side, backed by your Lordship's support and public sympathy, I little fear the result.

"In order that your Lordship may be aware of the steps which have been taken to keep open the commission and protect the interests of the unfortunate claimants, I take leave to enclose copies of the correspondence which passed at the time between Sir De Lacy Evans, Mr. Commissioner Alcock, and myself; and your Lordship will now be enabled to judge whether I am deserving of the epithets intended to apply to me by Lord Clarendon, or entitled to some consideration for having suggested that (through Sir De Lacy Evans) which his Lordship is so very desirous to give Viscount Palmerston the entire credit of doing; at the same time that I should be guilty of injustice to the noble Secretary for Foreign Affairs, and my own feelings, did I not acknowledge that on every occasion when I have had to address his Lordship, suggesting any points having for their object the interests of the claimants, I have always been met by a general desire to assist, and remove, as much as possible, any obstacles which presented themselves towards an arrangement of the claims."

That letter concluded with a compliment to himself, which it was not necessary that he should state to their Lordships. He had been furnished with a variety of documents which corroborated every part of that statement. He would hand over those documents to the noble Earl that he might look over them, and that they might be published, and the grounds be known upon which the statement was made. It might be necessary also to produce two other documents—one, a warrant signed by Colonel Wylde and General Tena, and the other a declaration of the officers of the legion as to the guarantee which had been given by the British Government. The warrant was this:—

"We, the undersigned commissioners, acting for and on behalf of her Most Catholic Majesty Isabella 2nd., do hereby authorise

Captain and Paymaster Maher to estimate, and draw pay (according to the British regulations), for each and every officer of the late British auxiliary legion, who was borne on the strength of the Royal Irish regiment, on the 10th day of June, 1837, and to continue to estimate for and pay the said officers, wherever they may be, according to their respective ranks, in the aforesaid regiment, up to the date on which the Spanish government shall finally arrange the liquidation of their claims, either by negotiable bills of exchange, payable in London, or cash payments (saving and excepting such officers as have re-entered her Most Catholic Majesty's service in the new legion). And we further authorise the sum of nine pounds sterling to be credited to such officers who may not be able to procure a free passage from San Sebastian to England. In witness whereof we affix our signatures.

(Signed) "JUAN TENA,
W. WYLDE, COL."

"Dated San Sebastian, July, 1837."

He would now read to their Lordships the declaration of the officers:—

"We, the undersigned officers of the late British Auxiliary Legion of Spain, do affirm that we were present at a meeting of officers, held in San Sebastian, in or about July, 1837, when, to the best of our knowledge, Colonel Wylde assured the meeting, 'in his double capacity of British commissioner, as well as a member of the Spanish commission then sitting, that the claims of the officers should be fully satisfied, if they would remain quiet.' This assurance having been held out to the officers, they immediately ceased their importunities, feeling convinced that the honour of the British Government was pledged to see full justice and satisfaction rendered them."

The noble Viscount had stated on former occasions, that the Government would make every exertion to secure the payment of these claims, but mere words and declarations would not feed these unfortunate men or support their families; and, after the delay which had taken place, he should feel bound to submit some motion on the subject, but he would not do so until after Easter, because he supposed, that the declaration which the noble Viscount had made in that House on the part of the Government was founded on some documents; and he trusted, that there would be no objection to produce them if he moved for them.

Viscount *Melbourne:* You must give notice. I can't accede to it now.

The Marquess of *Londonderry:* I'll read the motion, and then I do not think there can be any objection to it.

The Earl of *Clarendon:* You must give notice.

The Marquess of *Londonderry* thought that it was one of the things that passed as a matter of course. The motion would be for copies of any correspondence between her Majesty's Government and the Court of Madrid, expressing the anxious solicitude of her Majesty's Government, that the claims and arrears, due from the Spanish government to the British legion should be liquidated.

Viscount *Melbourne:* I can't give them.

The Marquess of *Londonderry:* Then I give notice that I shall move for them to-morrow, and I hope that the noble Viscount will not object to produce them.

Viscount *Melbourne:* Yes, but I do object to it.

The Marquess of *Londonderry* said, that he would now conclude by expressing his regret, that he had so long detained the House; but he had felt it his duty to lay the case as completely as possible before the country, and to intimate his intention at a future day of pressing these claims upon their Lordships' sense of justice, so that at all events the public and the country might be made acquainted with the real nature and character of the transaction.

The Earl of *Clarendon* said, that notwithstanding the importance ascribed by the noble Marquess to the details with which he had favoured their Lordships, he could not but think, and he believed that most of their Lordships would be of the same opinion, that the time of the House was too often needlessly taken up by those matters, with which in reality their Lordships had very little to do, and for the settlement of which they could do very little. He would certainly admit, that some degree of consideration should be shown to the motives of the noble Marquess in bringing the subject before them, because a short time ago he voluntarily supplied an answer to the charge which he thought their Lordships resolved on making, as to the dogged consistency, if he might use that phrase, with which the noble Marquess had persevered in bringing forward those matters, when he assured their Lordships, that it was entirely owing to the irrepressible gratitude which he had received on a recent occasion from the Spanish authorities and the Spanish people, not excluding, he supposed, the fair inmates of that nunnery at Seville into which the noble Marquess had told their Lordships on a former occasion, that he had obtained admission. He was only sorry that the noble Marquess would not have an opportunity of paying the last instalment of his debt of gratitude, for the noble Marquess had just informed their Lordships, that it was his intention to second the motion which was to be brought forward next month in the House of Commons by Sir De Lacy Evans. [The Marquess of *Londonderry:* I said that I would bring on a similar motion here.] He was sorry to hear that, both for the sake of the House and for the sake of the people of Spain; for they were so blind to the object of all the noble Marquess's efforts, that they absolutely considered him as the inveterate enemy of Spain, all but the Carlists, who, he was inclined to think, would not, after his speech of that night, any longer consider the noble Marquess as their champion. However, let the motives of the noble Marquess be what they might—whether the noble Marquess meant to do good to the Legion, or whether he meant to do harm to her Majesty's Government—still he imagined that their Lordships might think that some answer ought to be given to the noble Marquess's remarks. He felt, that he should consult the patience of their Lordships best, not by following the noble Marquess point by point through his long list of denials, but by narrating the important facts of the case as clearly and concisely as he could. He should like, however, in the first place, to know on what terms the noble Marquess now came forward as the advocate of the Legion. He should like, he repeated, to know on what grounds he came forward as the representative of the interests of its officers and soldiers? For though he had had no personal communication with them, he could not think that the officers of the Legion could be so forgetful of all dignity and decorum as to consent, after the extraordinary terms in which they had been vilified by the noble Marquess, to select the noble Marquess for their advocate and champion. He could hardly conceive it to be possible, that they would have so little of the *esprit de corps* about them as to place the representation of their grievances in an individual who had exhausted all his powers of rhetoric in censuring and abusing them. The noble Marquess had described the Legion as the refuse of society in England, as the sweeping together of all that was evil and dissolute and disorderly in our large towns, and as drunken, cowardly, and cruel, upon service. Yes, the noble Marquess had asserted that, in return for the exemplary mercy with which they had been always treated by the orders of Don Carlos, they had absolutely murdered—ay, murdered was the word—130 Carlist prisoners in cold blood. He could not believe that the officers of the Legion would have made the noble Marquis their advocate in that House, unless the noble Marquess had made a retractation of the charges which he formerly brought against them; and, if he had made them any such retractation, then their Lordships had a right to have the benefit of its being avowed. But if the noble Marquess had not made an apology to these officers, and was in communication with those whom he had so heavily stigmatised, then he must ask the noble Marquess whether he had himself inquired into the truth of the present charges, or whether he believed them on the authority of men whom he had denounced as utterly worthless? If the Legion were the utterly worthless gang which the noble Marquess had described them to be, did it never strike the mind of the noble Marquess that it was not wonderful that the Spanish government should be slow in paying up the arrears of a corps which had done it signal mischief? The noble Marquess was fond of putting questions to the members of her Majesty's Government, and of demanding what he called categorical answers to them. Now, he would take a leaf out of the noble Marquess's book, and he would ask the noble Marquess to give a categorical answer to the questions which he had just put to him. It really was "too bad" for the noble Marquess to come down to the House with letters and scraps of newspapers, and at one time to stigmatize the officers and men of the Legion as the most worthless of mankind, and at another to make what he considered a touching speech as the advocate of their grievances. It really was "too bad" for the noble Marquess at one time to state that the commission was closed, and that owing to its being closed thousands were defrauded, and at another to admit that the commission was still sitting. It really was "too bad" for the noble Marquess at one time to read a list of 36 officers—[The Marquess of *Londonderry*, "56,"]—and to represent them as individuals who had received promotion or places from the Government for the purpose of stopping their mouths, and at another to see him engaged in a correspondence whereby he was obliged to except a great number of them from his list. It really was "too bad" to hear the noble Marquess at one time charging General Alava—the gallant companion in arms of the noble Duke opposite, whose integrity required no proof—of trafficking in the bonds of the commission, and of defrauding hundreds of their due; and at another to hear him not only attacking the integrity of that soldier without reproach, but also grudging him the hospitality with which he was welcomed in this country. He would not pursue these topics further: it was unnecessary; for there had been only one feeling among their Lordships when the noble Marquess preferred these attacks against General Alava. He felt that he should best economise the time and patience of the House by not following the noble Marquess through the set of denials which he had read to the House, and which he (the Earl of Clarendon) could not pretend to remember, coming as they did from the gentleman who, on this occasion, had furnished the noble Marquess with his brief, and who began his letter, if he recollected it rightly, by stating that he furnished it in consequence of the inquiries made of him by the noble Marquess. He had better commence by stating how the commission had been formed, and what it had done. It had originally been the intention of the Spanish government that the commission should sit at Madrid; but that government subsequently yielded to the strong reasons which were urged by his noble Friend at the head of the Foreign-office, and consented to have the commission transferred to London. His noble Friend had stated, with no less truth than force, that the interests of the Legion could be better watched over in this country than in Spain, and that its claims could be more easily adjusted here in accordance with the rules of the British service. One commissioner was appointed by each side. There were to be two referees, whose decisions were to be final, unless they disagreed, and when they did disagree, the points in dispute were to be referred to the two governments. All matters in dispute as to the practice of the British service were to be referred to the War-office, and its decision upon them was to be final. No commission could have been more honourably formed, nor could any regulations be better framed for accomplishing the ends of justice. Shortly after the commission was appointed, the officers of the Legion had, or fancied that they had, some reason to be dissatisfied with the commissioner whom they had appointed; and requested General Alava, in consequence, to allow them to appoint another. General Alava might have refused their request, but so determined was he to allow everything that was favourable to the Legion, that he acceded at once to the appointment of another gentleman as commissioner, who had watched over its interests with a zeal and devotion which had earned him the gratitude of almost every soldier in it. The commission, as he had said on a former occasion, had intended to close its labours in August last, and they gave a month's notice that it would be closed at that time. His noble Friend at the head of the Foreign-office had suggested that fifteen days more should be allowed, and in consequence of his recommendation the commission was prolonged to the 30th of September. Due notice to that effect was given in England, Ireland, and Scotland, and particularly in those places in each country where the Legion was originally recruited. He knew that the noble Marquess had denied this; but there existed among the records of the commission the affidavits of the Spanish consuls at the respective places that such notice had been given. On the close of the commission the commissioner of the Legion addressed to the officers of it an account of the mode in which it had proceeded to examine the different claims, and of the mode in which he had performed his duties. He would, with the permission of their Lordships, read a few extracts from it. The noble Earl proceeded to read the following extracts:—

"In all instances the opinion of the Secretary-at-War has been scrupulously adhered to, with these exceptions:—1. Four men who had lost their arms above the elbow, and whose pensions were fixed by the War-office at 9*d*. a-day, the commission amended it to 1*s*. per diem, such sum having been previously given by the decisions of the Secretary-at-War to others of the Legion who had suffered similar injury.—2. After a negative had been given upon Lieutenant-Colonel Wyatt's claim to a pension, we again submitted the special circumstances of the case to the Secretary-at-War, and the final result was the award of a pension. These were the only exceptions. The second instance in which a decision of the previous commission was reversed or departed from, affected heads of departments and paymasters, whose certificates of pay had been withheld until the Legion accounts should be examined; it was resolved, June 5, that such certificates should be issued to them, as to all the officers. These two acts of justice, having somewhat of a retrospective character, were done without delay. The next step was to settle (in the only way in our power—viz. by certificates) all arrears of pay and pensions due to widows, wounded officers, and men."

The commissioner, after some details, into which it was unnecessary for him to enter, proceeded in the following words:—

"Many important general questions were referred to the Secretary at War, and invariably whatever he recommended favourable to the interests of the Legion was either adopted, or, if otherwise, a difference of opinion between the commissioners made it necessary to send the point for the decision of the referees. The result of these references affecting principles of decision and large classes of claimants was highly advantageous to the Legion, as may be demonstrated by reference to the resolution fixing the principle for deciding on the disallowances on paymasters' accounts. In the sitting of August 9, 1839, the following minute was made:—'In conformity with the opinion expressed by Lord Howick, the Secretary at War, July 29, in reference to the final audit of the accounts of the paymasters—Resolved, 'That in cases where errors exist in regimental paymasters' accounts, and have been disallowed by Assistant-commissary-general Dunwiddie, such error shall not be finally carried it against their credits under the following circumstances:—When by the act of the Spanish Government or its agents recovery of the sum is impossible, and no personal profit seems to have actuated or accrued to the said paymasters, nor evidence of fraudulent intention, save and except, however, when such errors shall have arisen from evident ignorance or negligence of their duties; grave cases still remaining open to special consideration.' Upon this principle the commission acted, and the result was, that more was allowed as due to the regiments than Deputy Commissary-general Black had claimed for them, and less charged against the paymasters; in addition to which, pay and gratuities were allowed to all paymasters for the period they could prove detention in Spain on duty after the 10th of June, and various amounts of compensation were awarded by the commission for time lost and duty performed in England at subsequent periods. With respect to the widows, all that the warrants of the British War-office could be found to sanction has been awarded; and in reference to the wounded, so anxiously have their interests been guarded, that it will be found Lieutenant-colonel Wyatt owes his pension to the steps taken by the commission in soliciting a re-consideration of his case by the Secretary at War. In another case, where the law of the land had condemned an officer, and thus stripped him of legal claims, his pension was awarded, extenuating circumstances having been considered, and moreover made payable to the person with whom he left a power to receive it, although the commission was by no means bound to acknowledge this transfer, which in law could not be enforced. These facts must prove, that the just interests of the Legion were not allowed to suffer. With respect to the general labours and results of the commission, it will be found that all claims brought before it have been adjusted or referred. Among the former were between 200 and 300 disputed claims, more than two-thirds of which were decided favourably to the claimants. In settlement of the claims, 4,315 certificates have been signed, amounting to 244,330*l.* 1*s.* 3¾d.; while the abstracts of individual credits not yet claimed, which have been deposited with the Secretary of State for Foreign Affairs (Viscount Palmerston), further provide for and specify the claims of nearly 1,500 individuals, and to the amount of about 9,000*l.*—this being independent of a list of 1,400 wounded, many of whom have not yet claimed compensation, and a list of deceased men (without credits, but with claims for gratuity), not yet completed, which will add to this number probably 500 more."

Now, as the original claim of the Legion was for 280,000*l.*, and as the certificates issued were for 260,000*l.*, and as abstracts of individual credits not yet claimed, and for dead men had been deposited in Lord Palmerston's office, amounting to somewhere about 9,000*l.* more, he thought that it could hardly be said, that injustice had been done to the Legion. It was a proof also, that the claims of the Legion were not unjust, and that the commissioners had done their duty. However unsatisfactory this might be to those who sought to profit by a paid agency, and to those who were not able to support the claims which they had brought forward, it was most satisfactory, not only to the men, but also to all the superior officers of the Legion, who wished nothing but justice to be done between them and the Spanish Government. He had now only to state, that as the commission had closed its labours, and as the amount of debt due from the Spanish Government to the Legion had been agreed upon, his noble Friend at the head of the

Foreign-office had brought the necessity of settling it energetically before that Government. Although the embarrassments of the Spanish Government were great, and although the civil war was not yet brought to an end, he was convinced that the Spanish Government would look upon it as a sacred debt, and would to the utmost use every exertion to pay it.

The Marquess of *Londonderry* observed, that although the noble Earl had jeered him not a little harshly for interfering in this matter, he would shorten the rejoinder which he had intended to give to the noble Earl, owing to the satisfaction which he derived from what the noble Earl had said at the close of his speech. The noble Earl had told them that the Legion claimed 280,000*l.*, and that certificates had been granted for 260,000*l.* Would the noble Earl also tell them what those certificates were worth? Would anybody take them even at a discount of 50 per cent. The noble Earl had likewise told them that the Spanish Government would do its utmost to pay these certificates. He should like to know what its "utmost" was. Was it anything like the "utmost" of the noble Viscount, which generally meant nothing? Four years had elapsed since this debt was contracted by the Spanish Government, and he supposed that four years more would elapse before it was paid. Why would not the noble Viscount insist, as he ought to do, that it should be paid at once? The noble Earl had asked him for an answer to this question—"Why was he the advocate of the officers, whom he had abused, and why did he bring forward their claims for redress after reviling them as he had done in that House?" Now, if the noble Earl would look at the number of signatures attached to the two petitions which he had presented, he would at once see the reason. He had also another reason. The former friends of the Legion had deserted it, and thrown it overboard, and therefore he, thinking that they ought not to have entered the service in the first instance, was nevertheless of opinion, that as they had entered it, they were entitled to be paid according to the terms of their contract. He had never disparaged the courage and bravery of the officers. He had always blamed the service, but he had never said one word against the conduct and bravery of the officers of those troops. The noble Earl had censured him for attacking the hospitality shown in this country to General Alava. Now he had a great personal respect for General Alava. He had also a great personal respect for the noble Earl; but though the noble Earl had jeered, and might again jeer him, for doing his duty, he would maintain that General Alava, who made this contract with the Legion, was imperatively bound in honour to see it fulfilled. The noble Earl had likewise said that he had spoken from a brief that had been furnished to him. Why, he had once had at home a pile of letters two feet high, from officers and men who had served in the Legion, and, not knowing what to do with their complaints, he had sent them to—whom? To the individual who had the agency of all these officers, and who, therefore, was best acquainted with the truth or falsehood of the statements made by the parties in their letters. Was not that the best way of proceeding? The agent had in consequence given him the information which he had stated to their Lordships; and then the officers had called upon him to make their claims on the British Government. He thought that he had now given the noble Earl a sufficient answer on all the three points which he had put to him in so jeering a manner. His object in reading the names of the fifty-six officers of the Legion who had been promoted either in the army or in the civil service of the country, was not to object to their promotion, but to urge it as an additional reason why the rest of the officers ought not to be neglected. He would excuse the noble Earl's jeering and jocularity, because he had given him a renewed promise that the Legion should be paid—a promise which he hoped that the noble Earl would keep better than the guarantee which he had given for the Spanish government four years ago.

The Earl of *Clarendon:* I never gave any guarantee, I never could give a guarantee, that the Spanish government should pay money.

The Marquess of *Londonderry* believed that the noble Earl had stated in a letter that he would see the arrears due to the Legion paid by the Spanish government. He looked upon that as a guarantee. He would remain satisfied with what had transpired till after Easter; if he then found that the matter was still trailing on, he would bring the subject once more before their Lordships.

The Duke of *Wellington* wanted to know whether the paper which the noble Earl had just read was in an official shape, and could be laid upon the table of the House. He thought that the noble Earl had stated that the commission was issued under the authority of the Spanish government; that there was a commissioner on each side; and that there were two referees, one named by the Spanish, and the other by the British Government. This brought the commission to be a commission under the government, and he rather thought that the Secretary of State must have had a report upon it. That report would throw much light on the subject, if it were laid upon the table of the House. He could not anticipate any objection to its production.

Viscount *Melbourne:* The commission is thus constituted,—One commissioner is appointed by the Spanish government, and one by the officers who are claimants upon Spain.

The Duke of *Wellington:* There are two referees, one of whom is named by the Spanish, and the other by the British Government. The business of the commission was thus brought before the Secretary of State, and might be considered as in his hands. He would suggest the propriety of laying a copy of the report of that commission upon their Lordships' table.

Viscount *Melbourne* would produce the report, but only on the consideration of its production not being objected to.

Subject at an end.

* * *

HOUSE OF COMMONS,

Thursday, April 2, 1840.

MINUTES.] Bills. Read a first time:—Canada Government; Lord Seaton's Annuity.—Read a second time:—Exchequer Bills.

Petitions presented. By Messrs. Halford, Bruges, Thorneley, Macaulay, Greg, M. Philips, R. Currie, Hawes, Hume, Brotherton, White, B. Wood, Horsman, Pattison, Wallace, Lords J. Russell, Morpeth, Fitzroy, Sirs G. Strickland, B. Hall, and Captain Pechell, from a very great number of places, for, and by Messrs. Young, Darby, B. Baring, Redington, Sirs C. Knightley, C. Burrell, C. B. Vere, J. Y. Buller, and J. Mordaunt, and Lord Hotham, from an equally great number of places, against the Total and Immediate Repeal of the Corn-laws.—By Mr. Palmer, from the Attorneys of Reading, for Removing the Courts of Law from Westminster, to a more convenient situation.—By Mr. Hawkes, from Stafford, against the Poor-laws.—By Sir C. Knightley, from Northampton, for the Liberation of Mr. Howard.—By Mr. Freshfield, from Leeds, against the Printed Papers Bill.—By Sir R. Inglis, from Durham, against the Opium Trade.—By Mr. A. White, from Sunderland, and Mr. Baines, from Yorkshire, against Church Extension; and by Mr. W. Miles, from Somerset, in favour of the same.—By Mr. C. Lushington, from several places, for the Release of John Thorogood, and the Abolition of Church Rates.—By the Attorney-general, from persons at Glasgow, for Universal Suffrage, and Vote by Ballot.—By Sir H. Parnell, from the Medical Association of Scotland, for Medical Reform.—By Sir G. Clerk, from Stafford, for Church Extension; and from one place, for an Alteration in the Law of Patronage in Scotland.

CANADA.] Lord *J. Russell* in rising to move that the second reading of the Canada Bill be fixed for Monday se'nnight, wished to take that opportunity of explaining an opinion which had been expressed by him upon a former occasion, and which had been represented in a sense very different from that which he intended to convey, and might, so represented, cause serious misapprehension in Canada. He had in his opening speech on introducing the Canada Bill stated generally his opinion respecting the measure which had been passed in Upper Canada on the subject of the clergy reserves. This opinion of his had been stated as if he had expressed himself to be unfavourable to the general nature of this measure, and as if his right hon. Friend the Governor-general had acted with regard to this measure upon views of his own, which were not in accordance with the general views of the Government. Now, this was far from being what he (Lord J. Russell) had stated, and certainly very far from what he intended to state. The opinion which he expressed was, that it was a very different thing to devise a project upon one's own abstract notions, or with regard to what might have been feasible thirty or forty years ago, and to frame a measure adapted to the circumstances of the present day. He had not upon that occasion entered any further into the subject, though he had alluded to the general question respecting Church establishments and their utility, and the peculiar situation of the Protestant Church in Canada, and the necessity for making a due allowance for its maintenance. With respect to the measure which had been proposed to the Assembly of Upper Canada, it was necessary to state what had happened on that subject. It had been under consideration whether it were expedient to direct the Governor-general to propose a measure to the Assembly on the subject of clergy reserves, and endeavour, if possible, to settle the question at the time when the union was proposed; but knowing the difficulties that attended the question, and had attended it for many years past, the Government considered it better to leave it to the discretion of the Governor-general recommending him to take every opportunity in his power to afford an opening for a settlement of the question upon a satisfactory basis. In conformity with the views of the Government the Governor-general had made earnest inquiries into the subject, and in a private letter addressed to him, the Governor-general stated that any settlement of the question was hopeless, the views of the different parties being so extreme and so adverse to one another as to afford no prospect of a compromise. Further information, however, was afterwards received to the effect that the Governor-general had seen many Members of the Legislative Council, and that there were then some hopes of an accommodation, for that those who had declared that they would acquiesce in no proposition for making a provision for the ministers of religion had expressed their willingness to consent to a measure providing for Ministers of all denominations. The Governor-general had accordingly proposed such a measure, and it met with the general concurrence of the Legislative Council, and especially of that part of it which consisted of members of the Church of England, and after a debate it was carried by a considerable majority, considering the smallness of the numbers. The Bill was transmitted to this country together with a despatch, and had been laid on the Table of the House, and he should say, that the Governor-general had followed his instructions most ably and wisely. The Government had not wished to place such an obstacle in the way of the Governor-general as to direct him peremptorily to propose a measure of this description in the colony, but they had at the same time given him such instructions as not only authorized but required him to use every endeavour in his power to bring to a satisfactory settlement a subject which had caused so much discontent and dissension. So far, therefore, was the Government from disapproving of what the Governor-general had done, that it was of opinion that the measure would, if it did not meet with opposition in the Parliament of this country, be the means of re-establishing peace in the colony. He did not wish now to discuss the question whether it were necessary to pass such a bill, as his only object had been to correct the misapprehension which had gone forth, but looking back to the declaration made by Mr. Fox in 1791, to the opinions which had been expressed by Lord Stanley, Sir G. Murray, and the Earl of Harrowby, in a speech in the House of Lords, to the evidence given by Lord Stanley before a Committee of the House of Commons, to the message of the Earl of Ripon to the Assembly of Upper Canada, and to the various transactions which had taken place since that time, and considering how highly expectations were raised in Canada that the Parliament and Government of this country were disposed to yield to the general wishes of the colony, he felt convinced that the course now proposed to be taken was wise and expedient, and he would beg those who were adverse to the bill well to consider all these things, and to remember how serious a matter it was, to oppose the desire of the loyal subjects of her Majesty who had agreed to adopt this measure.

Bill to be read a second time on Monday se'nnight.

Opium Committee.] Mr. J. A Smith, in the absence of Mr. Crawford, moved that the committee on the surrender of Opium in China should consist of the following hon. Members:—Mr. Crawford, Lord Viscount Palmerston, Sir R. Peel, Mr. C. Buller, Mr. Herbert, Sir G. Staunton, Mr. Cowper, Mr. R. Clive, Sir G. Grey, Mr. Hogg, Mr. J. Elliot, Mr. J. A. Smith, Mr. Parker, Lord Viscount Sandon, Mr. Strutt, Sir W. Somerville, Sir R. H. Inglis, Sir C. Lemon, Mr. E. Buller, Mr. Clay, and Mr. Horsman.

Viscount *Sandon* did not think the constitution of the committee was such as would ensure an unbiassed consideration of the matter submitted to it. It included four members of the Government and two hon. Gentlemen who were nearly connected with Ministers. Besides, fifteen out of the twenty-one were chosen from the other side of the House. There were two names which he had expected to see upon the committee—he meant those of Lord G. Somerset and Mr. Gladstone.

Mr. *J. A. Smith* said, that it had been wished to add the name of Lord G. Somerset, but Lord G. Somerset had expressed his wish not to serve on the committee.

Lord *G. Somerset* said, it was certainly true, that owing to his other engagements he had expressed his desire to see his name replaced by that of some other Member on his side of the House.

Sir *R. Peel* wondered that the Government could not be contented with a smaller majority than that of three to one. But the fact was, that Ministers were so used to large majorities, that it was difficult to satisfy them. One would have thought nine to seven, or eight to seven, a very tolerable preponderance, but fifteen to six exceeded any limit which he ever heard of. He was anxious, for his own part, to be excused from serving on the committee on account of his engagements on the banking committee and others. He therefore hoped that his name would be withdrawn, and replaced by that of some hon. Member who would be able to give a more constant attendance than it would be possible for him to give.

Mr. *J. A. Smith* said, some of the Members of the committee, although they sat on his side of the House, did not agree with the Government upon this subject.

Sir *R. Peel* thought it somewhat unfair to infer that the six Members selected from the Opposition side of the House must oppose the Government upon this, which was not a party question.

Lord *J. Russell* observed, that the objection was only good supposing this was a party question. The right hon. Baronet having stated, that it was not a party question disposed at once of his own objection.

Mr. *Goulburn* strongly protested against the principle of giving such decided preponderance to one side of the House in a committee for the consideration of a most important national question, merely because, forsooth, it had not been made a party question.

Mr. *Herries* warned the House against putting itself into the hands of a committee chosen under such circumstances. It was impossible not to feel that the ultimate decision of the question whether these claims should be satisfied at the expense of the people must be greatly influenced by the report of the select committee, and therefore it was of the greatest importance that the House should look narrowly to its composition. The hon. Member for Chichester said his opinion, and that of two other Gentlemen on the committee, was opposed on this subject to that of her Majesty's Government. What were the opinions of the Government? He had no doubt there had been a great deal of communication between the hon. Gentleman and her Majesty's Government. They no doubt understood each other very well. The Government had refused to pay the claimants, but it was a very remarkable circumstance that after this refusal they had willingly, and without any debate, consented to this committee. This had very much the appearance of an understanding between two parties.

Sir *H. Hardinge* ventured to predict, judging from the face of this committee, that it would be impossible to place any confidence in the report; and he, therefore, suggested the propriety of postponing its appointment till to-morrow, in order that time might be given to make some modification in it.

Appointment of the committee postponed.

Corn Laws.—Adjourned Debate.] On the order of the day for resuming the debate on the Corn-laws,

Mr. *Wodehouse* was understood to say, that he had seldom troubled the House with his sentiments on the subject, but he felt it to be his duty now distinctly to declare that his opinions were in favour of the existing laws, and to state the reasons why he held such opinions. He had never defended the Corn-laws, nor would he ever advocate them on any other ground than that stated by Mr. Huskisson. That the Corn-laws involved such immense interests in this country, and were closely connected with the well-being and comfort of all classes, and moreover, surrounded with peculiar difficulties, that they must be primarily governed by considerations connected with this country, and only secondarily by our relations with foreign countries. The present Corn-law had existed twelve years, and during that time wheat had been on an average 57*s*. a quarter, while nine millions of quarters had been imported from foreign countries, and during the whole period the average duty had not been over 5*s*. Surely then the Corn-law could not have been productive of so much evil. If reference were made to the years 1799 and 1800, that, he said, was a great part of the case against the repeal of these laws,—because, in 1799, the King of Prussia availed himself of the circumstances of the period, and declared openly and unequivocally that he would impose a high rate of duties on the importation of our goods when the prices of corn were high in England, but that if those prices fell his duties should be lowered. He (Mr. Wodehouse) put it to the people of this country whether, if the opportunity offered, the same course might not be resorted to again by the King of Prussia or by some other sovereign following his example; or whether that was not an important consideration, not merely for the landed interest but for every interest in the country. The situation of the country with respect to agriculture was materially changed within the last twenty-five years. Then the average produce per acre, did not exceed twenty bushels. The principle now in operation was one of great exhaustion. He was connected with a numerous body of men who were now dispersed throughout every part of the empire, under circumstances of peculiar distress—he meant the hand-loom weavers. In a publication lately put forth he saw it asserted that the laws, based in injustice and partiality as the Corn-laws were, could never be of long continuance. Now the question which he understood the House to be discussing was whether these laws were based on injustice and partiality. These opinions had been from year to year put forward by Lord Fitzwilliam, but had been most successfully met. In the third report upon the condition of the hand-loom weavers Mr. Mitchell stated the effect of the introduction of foreign corn, and he thought prices must fall; and with respect to a free trade in corn, he observed that no government could be justified in inflicting so much misery on the speculation of producing a certain degree of food. The difficulties of carrying into effect the Poor-law Amendment Act had been very great; but if, by the introduction of foreign corn a large body of labourers were thrown out of employment, they would never be overcome. Mr. Tooke, who had been already referred to, had recommended, twenty years ago, a fixed duty of 7*s*. or 8*s*. He said he had fair reasons for urging that amount of duty, but what those reasons were could not, by any inquiries, be extracted from him. It was singular that, after twenty years, the same proposition had been brought forward by the President of the Board of Trade; but if that right hon. Gentleman had intended by his arguments to enforce and explain the reasons of Mr. Tooke, he (Mr. Wodehouse) could only say, that the interpreter was the more difficult to understand of the two. In the report of Mr. Vivian, it was stated that the maintenance of the poor under the present Poor-law was attended with great difficulties, but that if a number of labourers were thrown out of employment (which must be the case if the Corn-laws were repealed), those difficulties would be very greatly increased. He was connected by representation with a very distressed class of the community, the hand-loom weavers; and he thanked Heaven, notwithstanding all the distress, they were proof against the remonstrances of all the itinerant orators who had been sent amongst them, to urge them to petition against the continuance of these laws. In the report of Mr. Chapman one of the assistant commissioners for inquiry into the condition of the hand-loom weavers, it was stated that there had been a decline of one-third in the rate of wages since 1814, supposing the certainty of employment to be now equal to what it was then; that was the consequence, he maintained, not of the Corn-laws, but of the substitution of power-looms for hand weaving; it was also said, that the Corn-laws had the effect of driving manufacturers out of this country, and making them spring up in other countries, but he believed, that it was the capital and skill of English manufacturers, and not the Corn-laws, which had produced that effect. He had been accosted the other day by a person who said, "We hope for better things, now that you gentlemen begin to read;" it was not reading, however, in which the country gentlemen were deficient, but they would not read with the eyes of the manufacturers. He said, that the insinuation that the gentry and the aristocracy of the country, because they were connected with land, were indifferent to the interests of the other classes of the community, was a gross and stupid libel. The protective duty was a principle which was acted upon by the Governments of Lord Liverpool, Mr. Canning, and the Duke of Wellington, and he trusted the House would pause before they embarked on the wide, wide sea of progressive reform, and commit to the mercy of the winds and the waves the ark of our hallowed constitution.

Mr. *Rich* contended that the duties on

the importation of corn should be no higher than on other articles that came from abroad. If they existed at all they should be imposed for the sake of revenue, not for the sake of protection; and he thought the present the most fit time for the application of this principle. When the Chancellor of the Exchequer was coming down with fresh taxes, it might be a consideration whether by making a moderate and fixed duty on corn fresh taxes might not be avoided. He was of opinion that such a duty would serve the State and satisfy the people. He would not enter into the question how it bore on agriculture or manufactures; it was sufficient for the argument against the corn-laws that the manufacturing interests were seriously depressed. That such was the case could not be denied, nor that there was a great mass of population depending upon manufactures, no matter what proportion the number might bear to the numbers of those depending upon the agricultural interest. What were the objects proposed by the original founders of the corn-laws? What were the ends they had in view? What were the benefits they were to confer, and what were the evils they were to avert? If these objects had been brought about, they would be obliged to admit to those who supported the Corn-laws that they had the advantage of experience; but if, on the other hand, they found that every one of these objects had failed, then those hon. Members themselves should in all candour hesitate before they pronounced so very positively what would be the consequence of a change of system. With a view to ascertain this, he would not go further back than 1815. In that year Mr. Robinson introduced those noted resolutions on which the present system was founded. Mr. Robinson promised a full and plentiful supply, so plentiful as to make this country independent of foreign markets. He further promised, that that plentiful supply should produce those prices which should render permanent the relationships between landlord and tenant; and promised that those prices should be moderate. It was by these promises that Mr. Robinson gained the consent of the country. And how had these promises been fulfilled. In order to ascertain this they must find some test to guage them: that test was given between the years 1773 and 1790, when the trade in corn was free, or might be called so, foreign corn being admitted at 48*s*. a quarter, and 6*d*. duty. Was the country able to meet the sudden reaction of a peace after a war which had doubled the national debt? It so happened that that period was precisely the time when this country made most marvellous strides. That was the very period selected by the right hon. Baronet (Sir R. Peel) last year, when he said this country enjoyed comparative ease and great prosperity. And what was the special effect which it had on agriculture and on prices? There never was a time where there was such little fluctuation. The lowest price was 34*s*., and the highest 53*s*. a quarter. The average of the first five years was 41*s*. a quarter; of the second five years, 45*s*.; of the third 43*s*.; and of the fourth, 47*s*.; making on an average 44*s*. During that period at least, prices were stable and moderate. Hon. Gentlemen might say this might be all very true, but under this moderation the agricultural interest pined away. They might tell them that this low price threw all the poor lands out of cultivation, and threw all the labourers out of employ. The answer to that was contained in the plain fact that there were 500,000 acres of waste land enclosed during that period. This was the state of the country during the free trade in corn. Let them apply this test to the state of the agriculture of the country under the protective system. First, with regard to the "full and plentiful supply." There were imported into this country between 1815 and 1822, the period when the Corn-laws were again under restrictions, on an average 700,000 quarters of wheat per annum. The fluctuations between the years 1815 and 1822 exceeded 200 per cent. In January, 1817, the price of wheat was 113*s*. a quarter. In June, 1817, it was 120*s*. In three short months under this felicitous protection it fell from 120*s*. to 74*s*. In three months it was up again to 90*s*.; then again it was down through the whole of the year 1818 to 75*s*. Continuing to fall to 1820 and 1821 it tumbled down to 55*s*., and in October, 1822, they found it at 38*s*. Why did not hon. Members draw from memory and not from imagination, and tell them what was the state of the farmer—what was the real palpable misery which the first seven years of the introduction of the Corn-law inflicted on the agriculturists. The tenants were in arrear for rent, and the table of the House groaned with petitions from the ruined agriculturists—the men who now stupidly and insanely cry out, "the Corn-law for ever." What was the state of the labourers when farms were given up, when stock was sold and distrained upon for rent? In one quarter he was tempted with bread extravagantly cheap, and in another thrown into the poor-house by bread extravagantly dear. Why whould not Gentlemen who advocate the Corn-law draw rather upon their memory than their imagination, and tell us what was then the state of the farmer and the labourer? Such were the effects—the first fruits of the system of which Squire Western, now Lord Western, was one of the most able advocates—such was the system which was to render food cheap. Why, a state lottery for bread could not have been more ruinous in its effects than this mockery of a law. They might be told that those were the errors of a first legislation, and that experience enabled legislators to correct those errors of 1815 by the law of 1822. But the law of 1822 was utterly and entirely inoperative. For five long years it drew its slow length along—useless and inoperative. If further evidence were wanted of the mischievous effects of the law, it was to be found in the opinion of one of the most able men who ever sat in that House, and who from his talents and official situation was well calculated to form an opinion—he meant Mr. Huskisson, who declared in his place that he "lamented from the bottom of his soul the national evil, and misery, and destruction of capital, which that law in the course of twelve years had produced." But, uninstructed by the past, the landed interest still bore the sway, and accordingly they had the law of 1828. But it was no change of system, though a modification and a relaxation. This law was encumbered by a graduated scale of duties. They were told that this graduated scale was to do every thing, but such was its effect that all stable merchants were driven from speculating in corn. The consequence had been, that when we most wanted corn, it had not been found in our bonded warehouses. This had rendered necessary a rapid application to the nearer ports of the Baltic, which had caused a rapid rise in the price of corn, so that we had had to pay much more bullion for it than we otherwise might have got it for. The paying of this bullion had brought distress on the commercial world. Thus the graduated scale had added only to the mischiefs which existed, and made bad worse. Thus, as to the agricultural working of the system, it was an utter failure. Then, as to the "full and plentiful supply." Why, from 1828 till now there had been imported on an average 1,000,000 quarters of wheat alone a year. These importations had gone on for years, therefore proving, after the experience of a quarter of a century, the utter unfulfilling of Mr. Robinson's promises. Then, with regard to the fluctuations—since 1828 they had exceeded 113 per cent., accompanied with the stimulus of a famine. He blamed hon. Gentlemen who supported the corn laws for pertinaciously adhering to a system the fallacy of which had been fully proved and established. Returns had been much dwelt upon last night by the noble Earl the Member for Shropshire, as showing, that though there had been fluctuations in prices in England, still there had been also fluctuations in prices abroad; but the returns upon which that statement had been made had been proved by the right hon. the President of the Board of Trade to be incorrect. He (Mr. Rich) repeated, that the only time when prices in this country were stable was the period at which the trade in corn was free—a period when, instead of labourers being out of employ—when, instead of land being out of cultivation, it was capable of proof that upwards of 500,000 acres of waste land were enclosed. Looking at the results which experience exhibited, there had been greater distress amongst the agriculturists under the present system, than had ever before existed. From 1815 to 1822 the distress of the agriculturists was general and uninterrupted. From 1822 to 1828 there was a gleam, or rather a glare, of sunshine; but from 1828 to the present time the agricultural interest has undergone more of distress than prosperity. Since 1822 the distresses of the agriculturists had no less than five times been alluded to in speeches from the throne. In 1836 a committee had been appointed by the House of Lords to inquire into the subject. That was after two or three years of successive abundant harvests, after taxes on agriculture had been reduced considerably, and when the country enjoyed tranquillity within and peace without. But what, even then, was the state of the agriculturists, as shown by the report of the committee communicated to the House in the year 1837? The evidence contained in that report, comprising the testimony of land-owners, farmers, land-surveyors, and country bankers, in agricultural districts—all individuals connected with agriculture—

> ———"They best can paint them
> "Who have felt them most:"

all these Gentlemen concurred in proving that the state of agricultural distress was extreme. The hon. Member at considerable length, read extracts from the evidence of Mr. Cayley, Mr. Spooner, Mr. Thurlow, Mr. Benett, Mr. Blamire, and several other witnesses from farming districts who had been examined before the Lords' committee in 1836. Then turning to the hon. Gentlemen on the Opposition benches, he said, Now, Gentlemen of the landed interest, these are your own witnesses—this is the picture which they draw of agriculture in 1836—this is the work—this is the glorious, the satisfactory, the patriotic result of your system of restriction. What has it produced? Insolvent farmers—desperate rick-burners—turbulent labourers; and this, too, at a period when the commercial and manufacturing interests were prosperous—when the seasons for agriculture were good, and the harvest abundant. He would ask them, the hon. Gentleman proceeded, whether there must not be something radically bad in a system which was framed professedly for the benefit of one class of the community, yet had the invariable effect of depressing that class when the rest of the community rose, and of raising it when the other classes of society sunk. He maintained, that the system had signally and palpably failed—that it had not fulfilled one of the promises that it held out—that it had produced distress, not advantage, to the farmer. Driven from the higher ground upon which they originally founded their arguments, the agriculturists now shifted their position and assumed an humbler tone: they said, "The land is burthened with tithes, with poor-rates, with county-rates, and with the land-tax; and, in compensation for these burthens, which press exclusively and most injuriously upon us, we claim the protection of the Corn-laws." But he should like to know whether the liability to tithes, to poor-rates, to county-rates, and to the land-tax, was considered by the Legislature in 1815, as an equivalent on the part of the landed interest for the burthen imposed upon the rest of the community by the Corn-laws. Did not these liabilities exist long prior to that period? And did not the agriculturists contrive, in 1815, to slip the property-tax off their own shoulders at the very time that they placed the yoke of the Corn-laws upon the neck of the rest of the community. In point of fact, the agriculturists, in 1815, obtained the Corn-laws, not as a protection against any new burthen then for the first time imposed upon them, but as a compensation for liabilities to which they had been subject from time immemorial. But if the landed interest persisted in arguing that they had a right to special protection, in consideration of special burthens imposed upon them, he would ask whether, since the last adjustment of the Corn-laws, in 1828, those special burthens had not been much diminished; whether a considerable portion of the county rates had not been transferred to the consolidated fund; whether the tithes had not been commuted upon a scale of prices much below the present averages; and whether the poor-rates had not been reduced by something like 3,000,000*l.* sterling? If special protection were to be given for special burthens, did not this diminution of the burthens upon the land entitle the rest of the community to look for an equivalent relaxation of the Corn-laws? It had been argued, that, in order to enable the country to meet its burthens, and to keep faith with its creditors, it was necessary to protect agriculture. To support that argument, it must be proved, that an acre of land could be so cultivated as to be productive of more wealth than the busy loom and smoking factory. Then it was said, that the country, to be independent, must grow its own corn. Then why did we not try our hand at tea, coffee, and cotton? Twelve years ago the right hon. Baronet declared that this country could not grow corn enough for its own supply. What, then, were we to do now that the population had increased by three or four millions? How were we to go on? Were we to persevere in arraying one half of the population against the other, for the sake of keeping up a system that was bad in principle, and had completely broken down in practice. Surely it would be wiser to abandon such a system at once. For these reasons he implored the House to consider the position in which the country at present stood. Whilst everything was apparently prosperous in the higher ranks, no one who looked to the subject at all could conceal from himself that all below the middle classes were pinched with want? Who would say, that the labouring classes, those who gained a livelihood by the sweat of their brow—those who constituted the great bulk of the nation, and for whom they (the House of Commons) were bound to legislate with all tenderness, and with a total absence of selfishness—who would deny, that these large and useful classes were at the present moment over-worked and under-paid? Necessity pressed so hard upon them that neither old age, nor extreme youth, nay, even not infancy itself, was exempt from hard labour. When these things were known, would the House refuse to consider whether the dearth of food might not have tended in a great degree to produce these sad results? It was this dearth, pressing upon all around, that was driving the people down to a lower and a baser food—to a lower scale of existence. This it was that led them, from sheer necessity, to substitute potatoes for wheaten bread. A population increasing at the rate of a thousand souls a day, could not be fed from their native soil, the produce of which increased only in a very inferior ratio. He would not trespass further upon the patience of the House than to remind them that this was the proper time to consider the subject. Now, whilst there was patience and comparative prosperity in the country, was the most fitting time to enter upon a moderate compromise. Would not the landed interest accept of a moderate fixed duty? He would warn them that this was their East Retford, and that it would be well for them to be wise in time, and not to abide the crash that a dogged resistance to moderate demands must inevitably bring before many years elapsed.

Mr. *Hamilton* said, that it was not his intention to trespass long upon the attention of the House by entering upon that detailed discussion which had taken place for several successive years on the subject of the Corn-laws, or to follow those hon. Members who advocated their repeal, as he was aware that there were many hon. Gentlemen in that House far better qualified than he was to refute the elaborate statements of hon. Gentlemen opposite; but he was desirous of being permitted very briefly to state that he gave his vote against the proposed resolutions, not because he represented those who might be supposed to be interested in agricultural prosperity, or to uphold that interest, but from a particular conviction he had ever been impressed with, that any change in the existing Corn-laws would have a most injurious effect upon the whole community. He was quite ready to admit, that some of the hon. Members who contended for this repeal made out a case—a good one, too, as far as their own side of the ledger was concerned. The account looked square, and was, no doubt, correctly cast up, but little notice had been taken of various items to be carried up from the debit side, such as one-third of the land now under tillage to be thrown out of cultivation, ruined farmers, unemployed labourers, non-payment of taxes, road-rates, poor-rates, and the latter, as a matter of course, enormously increased. All this, he said, was kept out of view, or slightly touched upon, and yet what he stated would, in the opinion of almost every practical person, inevitably be the result of the proposed change in the duties now paid on foreign corn. He knew that it was once stated in that House what was the supposed amount of mortgages on land in this country. Now, he was not contending for the present duties on foreign corn to enable bankrupt landlords to keep their heads above water; though he believed, that many insolvents looked forward to getting rid of the Corn-laws and their debts at the same time. But he did contend and maintain that this was a question that affected the mortgagee as deeply as the mortgagor, the fundholder as the landowner; for, how could they expect the interest on landed securities to be paid the mortgagee, or taxes raised for the purpose of keeping their engagements to the fundholder, if they deprived the owners and occupiers of land of the means of doing either? He did not advocate either high rents or high prices. He wished for neither, and was free to confess that he regretted the present high prices of corn. But were hon. Members prepared to show that cheap bread would necessarily follow free trade in corn? That the cultivators of all poor soils, now yielding a moderate competency to the occupier, and labour to thousands, would be completely thrown upon their backs, and ultimately driven to the union workhouse, he was perfectly ready to admit; and who could gainsay it? But he was by no means prepared to allow that cheap food and low prices must follow. If that were a matter of course, how came it that the four pound loaf in Paris was a penny dearer than one of the same size in London—and that five times more troops of the line were marched to the south of France to put down Corn-law riots there, than were required to capture the Whig-Radical magistrate and his followers in South Wales? They professed a wish to get rid of the monopoly which they said was now enjoyed by the British farmer, and what, might he ask, were they going to substitute? Why that of the Jew—or, perhaps, what was worse, the Christian contractor, who would contrive to regulate and keep up their prices of corn as they now did the money market. He totally denied (and the most intelligent of the working classes bore him out in opinion) that an alteration in the corn duties would benefit the condition of the mechanic and labourer. An immediate advantage would be taken, notwithstanding all the assertions that might be made by interested parties to the contrary, by great master manufacturers and farmers, to lower the scale of wages—and, as "man could not live by bread alone," and, as their families required other articles as well as cheap bread, the comforts, and, by them considered, luxuries of life, would be totally denied the operative classes. If this was not the case, half their argument in favour of free trade went for nothing. But he would ask hon. Members whether they had really made up their minds to place this country at the mercy of Prussia and Russia, not only for a great proportion of our supply of grain, but of straw also? Would hon. Members be so good as to state how they proposed to supply us with the last-named most essential article of agriculture and domestic use? For, by the proposed change, they not only would uproot our corn, but the stubbles also. He had always understood it was an axiom that no country could maintain a high position in the scale of nations, and at the same time be dependent on any of them for a great supply of food, and yet this must be the effect of forcing, as they inevitably would, our poorer soils out of cultivation. He would further venture to ask, whether our relations with these exporting grain countries were such as to warrant the dangerous experiment we were now so urgently called upon to try? The hon. Member for Kilkenny had frequently, and in very melancholy strains, expressed his regrets that the result of the Reform Bill, as regarded financial economy among the representatives of the people, and more particularly that portion of them from whom very different conduct was expected, had most grievously disappointed him; and he doubted whether a similar mortification did not await the hon. Member if ever this, one of his great care-alls, was to be made the law of the land. Did hon. Members maintain that a reduction in the price of corn, even to the fullest extent anticipated, would enable the manufacturer so far to reduce his wages that he could afford to undersell the foreigner? He contended, that it was not the price of corn so much as the amount of taxation that crippled the manufacturer; but even admitting that to a certain extent this would be the case, would that make amends for the enormous defalcation and falling off that would infallibly ensue by the altered condition of his home customers—the owners and occupiers of land, and those dependent on their prosperity? It was stated that the manufactures consumed in this country amount to little short of 250,000,000*l.* annually, and would the loss of a considerable portion of this ready market be made up by the increased demand from abroad, or was it certain after all that our manufactures, instead of our gold, would be taken in exchange for their foreign corn? When hon. Members talked of laying down poor soils in grass, and maintained that this change would be attended with advantage to the country, they must be totally ignorant of all agricultural affairs, or wilfully blind to the real state of the case. It was well known, that for many years cold lands and poor soils, let let them be ever so carefully and expensively laid down, were worth little comparatively to the occupier, to say nothing of the vast evil of throwing so many hands out of employment. A gentleman, who he believed was well known to the right hon. Gentleman in the chair, informed him a few days since, that should there be any alteration in the present corn-laws, and which, undoubtedly, would compel him to convert a considerable portion of his arable to pasture land, whereas he now employed forty labourers upon his farm, which, it was not necessary to add, was an extensive one according to his calculation, fifteen men would be sufficient to carry on the labour that would then be required. What, then, he begged to ask, was to become of the remainder of the surplus labourers and their families, dependent on them for cheap bread? When he asked this question he could give the oft-repeated answer—they must seek employment elsewhere. This was easy enough to say, but not quite so easily reduced to practice. Were they to migrate to the manufacturing districts, to be returned upon their parishes upon the first stagnation that might occur in any particular branch of trade? Were they to be sent, at a great expense, to the Canadas or colonies? Or would any political economist recommend their taking the place, and becoming substitutes for the Hill Coolies? No; all this might sound well in theory, but hon. Members who, like himself, had been for several years chairman of a poor law union—and he had had the honour of being re-elected yesterday—well knew that it was difficult to reduce these statements to practice—at all events with any certain beneficial results, or on any extended scale. On the contrary, they would arrive at the same conclusion with him, that ultimately the union workhouse would be the refuge for the destitute labourer, and where in all probability he would have the satisfaction of being associated with his former master, the farmer; at all events in those cases where the occupier was not possessed of sufficient capital to enable him to meet the change that a new system would render necessary. He was convinced the statement he had made was not overdrawn; the proposed change was admitted on all sides to be a great experiment, and unfortunately it was one that could not in the first instance be referred to a committee of those patriotic Members of that House, who were its able advocates, and who, after making the trial on their own estates, might report to the House the result, not only as affecting their own interests, which of course they did not now consider, but as regarded their tenants, their labourers, and the community generally among whom they resided; but as this could not be brought about, and as the experiment must be tried on the whole body of British farmers, and that, too, against their will and recorded judgment; and as it was an experiment very doubtful and hazardous as regarded all retail dealers, and those engaged in the home trade, he for one, and without any hesitation, would oppose both the original motion, and the amendment of the hon. Member for Cambridge, as most injurious to all the best interests of the country. The proposed change, in his humble opinion, would ruin many and benefit but few. Like the operation of the penny postage, he admitted it might increase the resources, or rather, diminish the outgoings of the great manufacturer and capitalist. But he denied that the result would be equally advantageous to those who were termed the productive classes, and whose interests should most undoubtedly be one of their first considerations. On the other hand, the owners and occupiers of all poor soils would be ruined, or brought to the greatest distress. They would soon cease to be consumers of manufactures to any extent, and the peasantry (badly enough off at present) would be driven from their homes to another market for their labour. The demand for their labour would be greatly decreased, and the market contracted. The scale of wages would be necessarily lowered, and this must lead to ruin and moral degradation. Discontent and disaffection would follow, and thus the measure they proposed—though specious in itself, and apparently justified on a first view by the common law of nature—would, in the present state of society, and of this kingdom in particular, when brought into operation—and when, in all probability, it would be too late to retract—prove a source of ruin and misery to those whom they professed it was their wish and intention more particularly to benefit.

Viscount *Morpeth* said, that throughout the lengthened discussion which this question underwent last year, he abstained from expressing any opinion upon it, and he certainly should on the present occasion refrain from making anything like a formal or protracted speech, not assuredly because he did not feel the very great and surpassing importance of the question itself, and its close and intimate bearing upon the dearest relations of the whole community, but because he did feel, that upon a subject which had been so long before the public, and of which all the relations and bearings had been so amply canvassed, and deliberately weighed, it did seem to him superfluous and almost impertinent for any one to obtrude upon the time of the House, who was not prepared to state any new grounds on which this great question rested, and who had not sufficient leisure and opportunity for, and whose peculiar avocations did not lead him to the examination of, those statistical details and collateral sources of information which was necessary at this time of day to throw any additional or new light on the great subject at issue. Neither was he one of those who thought that it would be most desirable if the view he entertained himself as an individual could have been brought forward as a substantive measure even by an united government. But he did not believe that an united administration—prepared to carry out the views he himself entertained upon this question—could, in the present state of parties, in any way be formed; and he certainly preferred a divided and undecided ministry to an united cabinet prepared to act upon the basis of opposing any alteration of the Corn-laws. Feeling, therefore, that he was not able himself to furnish any collateral sources of information on the subject, and not being prepared to state the fact of his being a member of an united government on the question, he should have been contented to have given a silent vote on this occasion, had he not felt that the expression of a short and decided opinion on his part was due to a constituency who, in the variety of interests affected, or in the deep, intense, and almost passionate interest felt, yielded to no other constituency in the united empire. He had presented a great number of petitions from different parts of the district which he represented, where the inhabitants were wholly taken up in agricultural pursuits, and who now, for the first time, entered upon the consideration of this question. No later than yesterday he presented a petition from one of those bodies, whom he should regret to see mixing themselves up in merely political questions, unless under the sense of some very strong and overwhelming duty, or necessity—he meant from the poor-law guardians of one of the most densely peopled unions, and which embraced, for the most part, a district that had hitherto been a perfect hive of manufacturing industry—the union of Dewsbury. In their petition they stated that the stagnation of trade had brought the people of that district to a state of starvation. After being called upon by such varied bodies of men, and in so urgent a manner, he owned he should have felt it difficult to have resisted a motion for a committee of inquiry, even if his views upon the subject had been the very reverse of what they really were; and he should have hesitated to have refused undertaking the solemn consideration of the question with which they had to deal. At the same time it was always his wish, that to no cry or clamour, however loud, general, or urgent, if not also founded upon justice and substantial policy, that House should ever yield. The question which he had to consider before voting in support of this motion, or against it, was this, were the complaints and demands of these and other countless petitioners really founded upon justice and sound policy? "Now, my belief is, (said the noble Lord,) if ever there was a cry which either rose to man or heaven that was essentially just, and exclusively politic, it is that which now calls upon the supreme Legislature to take measures to facilitate the access to, and increase the quantity of, food in this country, for the sake of its vast, and hard-worked, and, I fear, most inadequately fed population." He had no misgiving as to the force of those arguments which had already been adduced, and which no doubt would be further adduced, to prove that the present Corn-laws were not only unwise, impolitic, and unfair to all the other branches of labour; but that they were even ill-calculated to effect the object which they professed to have in view. He owned, however, that his own objection to these laws struck more deeply. He did not wish to introduce any thing like cant or bigotry into this debate, and it was far from his desire to cast any imputation on any other person or party, or class or interest in this country. On the contrary, he knew that there were numbers belonging to what might be termed the agricultural party who would feel quite as kindly for the privations of their fellow-creatures, and quite as ready to make any sacrifice for their real good, as any body on that side of the question which he espoused. Still he must estimate the real tendency of any law or system by his own view of it. And the result he had arrived at was this, that if they were not prepared to consent to some alteration of the present Corn-laws, with the views he now entertained, they could not, even for a day after, without inconsistency, put up that petition to heaven which they were instructed to use, for their "daily bread." He did really think that the whole scope and tendency of the present system was at variance with the apparent spirit and obvious design, as far as they might without presumption attempt to scan and determine them, of the ordinary dispensations of providence—those dispensations which had varied the growth of every clime, and the staple of every soil, and thus appeared to invite every kingdom of the earth to the fullest and freest interchange of their respective produce; and which made it as much a duty to exclude monopoly from the family of nations, as it was to exclude selfishness and ill-will from the families of individuals—in one word, which made patriotism and philanthrophy the same things. He was told, that from the arguments used, and the language held, by those who espoused the same views as he himself did, they showed that they were not disposed to stop short of a total repeal of any protecting duty. This was no doubt true. But he was himself aware that no great change could be made in any settled system without much being done in the way of compromise and concession on each side; and if it were desirable—into which, however, as he considered it a perfectly abstract question, he did not wish to enter—but, if it were desirable, he conceived it would be obviously chimerical, in the present state and feeling of parties, to entertain the notion of repealing the present Corn-laws without leaving a verge for some remaining fiscal duty—call it for the purpose of revenue, or of protection, or whatever they would. If the House should consent to resolve itself into committee, and bravely face the question, and determine to deal with the existing Corn-laws, then the amount of duty to be retained would form an essential subject of consideration, and one which he would not shrink from discusssing and deciding upon; and so with repect to the question of preference between a fixed and sliding scale. He did not think that the question would be affected by the House agreeing to the motion for going into committee; though he was ready to admit, as far as he was able to weigh the force of the respective arguments addued on either side, that it did appear to him, with a view to protect trade from excessive fluctuation, and from continually recurring speculations, and with a view also to encourage not a capricious but a more uniform growth and supply of foreign corn, and to lighten the pressure on the country, occasioned by a sudden drain of specie and consequent disturbance of the currency, that a fixed duty of moderate amount was preferable to a sliding scale. There was one complaint which had been brought forward by Gentlemen on the other side of the question, which did seem to him at once the most preposterous and the most hopeless of remedy that could enter into the mind of man. He alluded to the complaint of "the continual recurrence and agitation of this question." Why, if that were an argument on either side, it was certainly an argument on his side of the question; because, as long as the law respecting the importation of corn remained in its present state, it was quite chimerical to expect that the question would cease to be agitated. It was with this question the same as it was with the catholic question, and the questions of slavery and of the slave-trade; there was no other way of putting an end to agitation except by removing the grievance. If the people of this country were suffering—or, what upon this point was the same thing, if they thought they were suffering—from any particular cause, did hon. Gentlemen think that they could stop their complaining? If the people felt that they were starving, how could that House prevent their cry for food? They were told that

"The flesh will quiver where the pincers tear,
And blood will follow where the knife is driven."

This complaint of the constant recurrence of the agitation of the question put him in mind of nothing so much as what they read of the indignation of the parish authorities, in one of the tales of one of the most consummate describers of every-day life, where they were told that "the whole board-room was in a state of consternation, because Oliver Twist has asked for more." This demand for more on the part of the people, he believed, was one which could not be stayed or circumscribed. It was a demand that was coming from almost every quarter where industry resided. It came from the factories and from the workshops, and, in his belief, the evil that gave birth to that demand was fast travelling to the remotest villages and hamlets of the land, and that it would ere long visit every cottage. He had now sufficiently stated the reasons which would govern his vote upon this debate, and it required, he thought, little sagacity to augur that that vote would not on this night be given on the winning side. This demand, however, had still obstacles too formidable to surmount, and prejudices too strong to overcome. But looking at the increasing power and prevalence of this demand, and considering the justice and policy, and even the religious obligation upon which he conceived it to rest, there was nothing of which he felt more confident than of its ultimate success. Having lived to see the freedom of religious opinion established, the personal freedom of every British subject vindicated, and even the freedom of trade day by day more, and more allowed to various articles of foreign commerce, he did entertain a most sanguine hope and expectation that at no very distant period a freer and more unrestricted access of foreign corn to these shores would more amply repay the efforts of our domestic industry, and secure and extend the harmony of nations.

Mr. *H. Gally Knight* spoke to the following effect:—The noble Lord who has just sat down offers us the consolatory prospect of a fixed duty; but, before the House consents to go into committee on this subject, I think we must look a little to the wishes and declarations of those, for whose satisfaction the proposition is brought forward. We must look to the speeches which have been made out of this House, as well as in this House—to the petitions on that table—to the delegates who have been sent to watch our proceedings; and if we do so, we shall find that nothing would give satisfaction to those persons short of a total abolition of the Corn-laws—that any reasonable alteration any slight modification, would be treated by them with contempt. It appears to me, therefore, that to go into committee would only excite hopes that would not be realized, would be an idle waste of time, and end in nothing but disappointment. We must also look to the spirit in which the abolitionists have acted—to the expedients to which they have resorted in order to collect their forces for what they pleasantly call their sessional campaign against the agricultural interest—and, to do them justice, it must be allowed that nothing has been neglected—nothing, from the splendours of the Manchester banquet, down to the hedge-side calumnies of the itinerant delegate. The noble Lord says, that abolition of the Corn-laws is the genuine voice of the people; but in this opinion I do not concur. No, it is a partial cry, got up by that odious resource, which I was sorry to hear the noble Lord defend—the resource of agitation, agitation, agitation. By newspapers devoted to that sole object, petitions cut and dried, circulars, tracts, addresses, hired lecturers, apostles of discord sent about to set the towns against the country, the labourers against the farmer, and to denounce the landed proprietors as the curse and bane of society. In the course of last autumn, in the town nearest to which I live, appeared one of these hired lecturers, and, because he did not meet with the reception he expected, on leaving the town he shook the dust from his shoes, and published a letter in the newspapers, in which he held up all the aristocracy of the neighbourhood to the hatred of the people, and pointed out one nobleman as the author of his discomfiture, who happened to be some hundreds of miles distant from the spot, and knew nothing about the transaction. And it is by such means and such instruments, that it has been attempted to induce the people to rally round the standard of abolition! Not always with success. I regret to say, that a great political economist, the habitual agent of the Government, was hooted out of a public meeting at Nottingham—a meeting which had been convened for the consideration of the Corn-laws; and though the hon. Member for Sheffield presented, the other day, a petition against the Corn-laws, very numerously signed, what sort of reception did he meet with in the town which he represents? The people have not been deluded so successfully as might be wished. The people are beginning to see, that, as usual, they are made the stalking horse. The people are beginning to see, that it is not for their sakes that all these efforts are made—that it is not they who would profit by the change—but that the effort is made by those who are intent upon nothing but their own advantage. The people are beginning to know that they cannot have cheap bread and high wages at the same time. That the market for labour would only be reduced, if a famishing crowd of agricultural labourers were to flock in and compete with the operatives of the towns; that the only result would be—the only result which is really meant—namely, that the master manufacturers would be enabled to grind their workmen down even lower than they do at present. This is their real object. The abolition of the Corn-laws is not the cause of the community—not the cause of the people, but the cause of a class, the class of master manufacturers, who seek to increase their gains, by depreciating the price of labour—who seek to increase their gains at the expense of the operatives and the landed proprietors. There are bounds to human patience. A man can endure being vilified to a certain amount; but at last, he feels an honest indignation, especially when those who attack him are little entitled to throw the first stone. For how do the master manufacturers act towards the people? Is it they who are the friends of the working classes? I know there are exceptions—but, generally speaking, do not the master manufacturers grind the bodies of their operatives, and neglect their souls? take advantage of their necessities, whenever there is a moment of pressure, and make them work for miserable wages? turn them off by hundreds of a morning, if profit falls off in the least? Is there a kindly feeling in any manufacturing town between masters and men? No, there is not, and the reason is what I have stated, and because the operatives see that their masters regard them as nothing but money-making machines—that their masters take no concern about them the moment they are out of the factory—that they treat them as the beasts that perish—make fortunes out of their bones and sinews, and have no regard for their moral or spiritual welfare. They provide them with no schools; they provide them with no churches; and thus it is that masses of Chartism and Socialism, and Heathenism grow up in the large manufacturing towns. And now, I ask, whether the master manufacturers, or their delegates, are justified in denouncing the landed proprietors? and whether it is for the sake of the master manufacturers the landed proprietors deserve to be sacrificed? No, let us not regard this question as it would affect a class, but as it affects a whole community. Let us enquire whether any thing has happened which should make it the duty of this House to affirm this year what it negatived last year by a large majority? What new event has taken place to justify the change of opinion? To be sure, the old arguments which were knocked down last year have been set up again this year, as if they had never been refuted. Mischief, it seems, has more lives than a cat. But what new event has taken place? and what is there now to be said? There is one novelty which I behold with the greatest regret. This year almost the whole of her Majesty's Ministers are arrayed against the agricultural interest; and because they are not altogether unanimous, they have recourse to the high-minded expedient of the open question! This is a novelty indeed, and one which the country beholds not with indifference, and not without alarm. There has been, also, since this question was last discussed, such a season as the oldest man scarcely remembers; and, at this moment, trade is depressed. No man can regret it more than I do. But, with reference to the motion now before the House, the fair question to ask is, whether the Corn-laws are to blame? They will not, I suppose, be charged with having brought the bad weather; but they were able to mitigate its effects; for the graduated scale, yielding, as it always does, to the pressure of the moment, permitted, as it always will in the hour of need, a very great quantity of foreign corn to flow into the country, sufficient for the occasion, but not overwhelmingly destructive to the progress and prospects of domestic agriculture. The last season appears to me to have afforded a proof of the efficiency of the graduated scale, when exposed to the rudest test. The only wonder was, that corn never was dearer, and that high prices were not of longer duration. No doubt there was a moment of pressure, during which the home market may have been affected, and gold may have gone out of the country; but this arose from such a season as is seldom likely to occur. Laws must not be made or changed with reference to a single year, but with reference to the ordinary course of things; and looking back upon a series of ordinary years, and taking into consideration the constant improvements which agriculture is making — improvements which have kept pace in a remarkable manner with the rapid increase of population—we have reason to believe, that under the present system, inconvenience will be the exception, and corn, at a reasonable price, the rule. But trade is depressed; admitted—but not by the Corn-laws, but from the state of the money market in the United States—in part from the improvement of foreign manufactures, and the jealousy of foreign powers. And, I must say, that perceiving these to be the causes of the present depression, I am disposed to place a still higher value than I did on the home market. For when I see how little dependence can be placed on the regular demand of those countries over which we have no control, I think it must occur to common minds, at least, that it would be prudent to hold fast by that upon which we can rely. But free trade is the true principle; and if we let other countries sell us their corn, they would take our manufactures in return. Free trade may be the true principle; but in the words which were used the other day by a person of some consideration, other countries will not adopt it. If they will not adopt it, neither can we; and if we think that by anything we can do, we can check the improvement of manufactures abroad, we must believe that peace and prosperity do not produce the same effect in France and Germany, as in other places, and that the Germans and the Swiss are made of different materials from ourselves. Foreign countries will make what they can, and take what they want—neither more nor less; and if the Corn-laws were abolished, neither should we obtain so much more extended a sale for British manufactures as we expect, nor much cheaper bread. Because foreign governments, once in possession of the market, would impose duties on all the corn that might be exported, and would only keep it just low enough to ruin the British farmer. In considering this subject, we should do well to recollect that we are more admired than beloved. Observe the Prussian commercial league—look at the conduct of Portugal—observe the policy which is but too apparent in France—proofs of jealousy—signs of aversion, which show us, if we will not shut our eyes, that it would not be wisdom to make this country dependent upon others for bread. Is it to be believed, that with such dispositions, foreign countries would let us go on ruining their manufactures, and would themselves go on regularly supplying us with as much corn as we wanted at a moderate price? It appears to me that a milder notion never entered the brain of even a political economist. And granting that I under-rate the probable increase of foreign demand; granting that the assertions of the abolitionists are founded on truth, and that the destruction of the agriculturists would really be followed by a rapid and unlimited extension of foreign trade, allow me to ask whether the consequent immense increase of the manufacturing population of this country would make this country a happier land? Is it not quite difficult enough to govern the manufacturing masses already? What would it be if the numbers were indefinitely increased, and the quiet agriculturists swallowed up in the new system? Upon the whole, therefore, I consider it for the interest of the community at large, that the land of this country should remain in a state of cultivation, and the agricultural labourers of this country should remain in employment. I was much struck by what the hon. Member for Maidstone told us last night, about the situation in which the Dutch found themselves when there was a short crop in those countries upon which they depended for a supply of corn. Famine was at their doors. The same calamity might happen to us were we to suffer our domestic agriculture to decline. In that case, should there be such a season abroad as there was last year at home, to what privations might not the people be exposed? Looking, then, to a distant quarter of the globe for support—depending on the winds for life, and the winds, perhaps, obstinately fixed in an adverse direction. Does not any prudent tradesman insure his premises against fire? He may grudge the annual outlays, but, on the whole, he prefers it to the chance of absolute ruin. Protection and domestic agriculture may be considered in the light of a national insurance against the terrible chance of a famine. And I would have that protection in the shape of a graduated scale—by no means in that of a fixed duty—for in times of pressure it could not be maintained, and once taken off would never be re-placed. Rather than have a fixed duty I would have no protection at all. Hon. Gentlemen have said, that the present system has not fulfilled its promise; but I confess it does not appear to me that what they pointed out afforded any substantial reason for making alterations, for all they shewed us was that the consumer had had a much better bargain than he had any right to expect; which, on *their* side, appeared to me a singular complaint—and, if nothing is to be satisfactory which does not prevent fluctuations, her Majesty's Ministers must begin with bringing in a bill to regulate the seasons, uncharter that libertine, the air, and contract for a just proportion of sunshine and rain, for until the seasons are regular, with Corn-laws or without Corn-laws, fluctuations cannot be avoided. But when I say I am for a graduated scale, I do not mean to say that the scale as at present constituted, is absolute perfection—that the system is incapable of improvement — that there might not be a better method of taking the averages—but this I do say, that, when the enemy is knocking at our gates with the cry of no compromise, it does not appear to me the proper moment for going into committee, to consider alterations which would only be treated with contempt. If I cannot understand how disinterested Englishmen can vote for a repeal of the Corn-laws, I can much less understand such a course in any patriotic Irishman. For, under the present system, Ireland is, I am happy to think, the granary of England. Abolish the Corn-laws, and Ireland would lose her advantage. Can it be necessary for me, or for any one, to say, Irishmen, remember Ireland? I have stated how the Anti Corn-law agitation has been raised, and what is its real object, and I think I have shown that the working classes, and the community at large would not derive any commensurate advantage from a change; but I observe in many of the petitions that our opponents say they should not so much regret the present state of things if the Corn-laws really answered the purpose of protecting the agriculturist. With every sense of obligation for so much kindness and good-will, I must be allowed to remark that, on this point, I think the agriculturists may be permitted to judge for themselves. They declare that they are satisfied with the present state of things. They desire no change—much less such change as that which is proposed—and I trust this House will continue to them the protection which it has bestowed, and confirm it to them by at least as large a majority as we had last year.

Mr. *Pryme* said, that as the Member for Wolverhampton had brought forward his motion, if not at the instance, at any rate with the concurrence of those who wished for a total and immediate repeal of the Corn-laws, and as he did not agree in any such opinion, he had thought it his duty to move, by way of amendment, the direct converse of such a proposition, and he did so wishing to retain the principle of a graduated scale. The hon. Member for Wolverhampton had called his motion "insidious;" by insidious was meant something more than met the eye, and he would, therefore, put it to the candour of the hon. Member himself, whether those who could not go the length to which he was supposed to go, ought not to propose a more moderate step. He contended, that the agricultural interest was entitled to protection, and it was so entitled, on the ground that there were taxes which pressed on what he might call the manufacture of corn, greater than those which pressed on the manufacture of other commodities; and in thus contending for protection to agriculture, he was not contending against the doctrines of free trade. The father of the doctrine of free trade, Adam Smith himself, said that there were two cases in which encouragement should be given to domestic industry—the one was by the navigation laws, and the other was when any particular home product was taxed, and then a tax of equal amount might be imposed on foreign produce. Adam Smith, after demolishing the system of prohibiting duties, and establishing by arguments which have never been shaken, nor, as far as I know, attempted to be grappled with, the general doctrine of free trade, proceeded to say:—

> "There seems, however, to be two cases in which it will generally be advantageous to lay some burden upon foreign for the encouragement of domestic industry. The second case is, when some tax is imposed at home, upon the produce of domestic industry. In this case it seems reasonable, that an equal tax should be imposed upon the like produce of foreign industry. This would not give the monopoly of the home market to domestic industry, nor turn towards a particular employment a greater share of the stock and labour of the country than what would naturally go to it. It would only hinder any part of what would naturally go to it from being turned away by the tax into a less natural direction, and would leave the competition between foreign and domestic industry, after the tax, as nearly as possible upon the same footing as before it."

One of the taxes which pressed peculiarly upon agriculture was tithes, and it mattered not to whom they were paid, They were a tax, too, upon improvements, for if particular land could give 100 quarters of corn, and if for a particular outlay, that same land could be made to produce 120 quarters, the farmer would only get eighteeen out of the twenty additional quarters to remunerate him for his extra outlay, the other two would be payable in the shape of tithes, and be to that extent an additional tax on the land. Suppose, then, that in any other manufacture an increase of outlay would raise 120 instead of 100 yards of yarn or woollen cloth, or whatever it might be, and that two out of the twenty additional yards were taken in the shape of a tax, would any one say, that it was consistent with the principles of free trade, that foreign yarns or cloth should be imported without a duty? That such would not be consistent with those principles was clearly laid down by one of the deepest thinkers in the country—one whose prejudices certainly were not with the landed interest, and who had spent the greater part of his life in the money market or in commerce—Mr. Ricardo: Mr. Ricardo said :—

> "Tithes are a tax on the gross produce of land, and, like taxes on the raw produce, fall wholly on the consumer. They differ from a tax on rent, inasmuch as they affect land which such a tax would not reach, and raise the price of raw produce, which that tax would not alter. * * If land of the best quality, or that which pays no rent, and which regulates the price of corn, yield a sufficient quantity to give the farmer the usual profits of stock, when the price of wheat is 4*l.* per quarter, the price must rise to 4*l.* 8*s.*, before the same profits can be obtained after the tithes are imposed; for every quarter of wheat the cultivator must pay 8*s.* to the Church; and if he does not obtain the same profits, there is no reason why he should not quit his employ, when he can get them in other trades. Tithes, however, may be considered injurious to landlords, inasmuch as they act as a bounty on importation, by taxing the growth of home corn, while the importation of foreign corn remains unfettered; and if, in order to relieve the landlords from the effects of the diminished demand for land, which such a bounty must encourage, imported corn were also taxed in an equal degree with corn grown at home, and the produce paid to the state, no measure could be more fair and equitable."

Another species of taxes, which pressed most strongly upon land, was the poor-rates, the county-rates, the highway-rates, and the church-rates. These taxes were placed upon land where there was little property except land, where the funds had no existence, where mortgages were rare, and where there was little personal property except the furniture, and the splendid jewellery and dresses of the Lords or of the gentry. In those times the land seemed the only property on which these taxes could be placed; on land accordingly they were imposed, and on land they still continued, although the aspect of the times had completely changed. It might be said, that property in mills and other manufacturing buildings paid parochial taxes; and so it did, but what was the proportion paid by the different parties? The land paid to those four taxes at least one-fifth of the whole amount of profit; but how much was paid on a manufacturing establishment? This was difficult to be obtained with accuracy; but he was told, that he could not err very far if he said, that the renter of a manufacturing establishment did not pay towards these four taxes more than a fiftieth part of the gross amount of profit. If so, the the land paid about ten times as great a proportion as the manufacturing establishments; and if this were correct, there ought to be, according to the principles of free trade, some countervailing duty on the agricultural products that came from foreign countries, which were not subject to such duties. There was a third tax to which the farmers were subject, and which did not apply to factories—the window-tax; for their dwelling-houses the manufacturers and the farmers both paid, but whereas the farmers had, in consequence of doors communicating between their houses and the dairies and cheese-rooms, to pay window-tax for the latter; the manufacturers were not in the habit of having doors communicating with their factories, and therefore the factories were altogether exempt from the duty. And, lastly, there was the *ad valorem* duty upon all transfers of land, whilst there was none on the sale of goods; and the amount on bills, and other securities that do not affect lands, was very small. Having stated the grounds on which, as he conceived, the land was entitled to protection, they came to another question, what that protection ought to be. The present and former systems had for many years produced successive fluctuations, which had proved most injurious to the farmers. They had first experienced ruinously high prices, and then ruinously low prices; and what could be more injurious to the landowners, the farmers, and the manufacturers, than this state of perpetual oscillation? He believed that this oscillation would be less, that the fluctuations would be less, and that the interests of the landowner, of the farmer, and of the manufacturer, as well as of the consumer, would be benefitted by a graduated scale of duty of lesser amount. There were many reasons for such a change. Some of the charges on land had been lately diminished, the poor-rates had been much lessened, and the tithe, when it came into the shape of a corn-rent, would have many of its most objectionable points taken away. Besides the price at present, which gave a free trade in corn, was 73*s*., and he could quote the evidence of persons examined before the committees in 1833 and 1836, which showed that the average price was less than the 73*s*.; some estimated it at 56*s*., and others at 64*s*. Mr. Robert Hughes, a land-agent of Salop, was asked in 1833,

> "You have stated that the scale you now value at is 56*s*. for wheat, and 30*s*. for barley, and upon that basis you think the present rents could be maintained? Answer: I think so, where they are not strained to a very high value. All my answers must be taken in a general point of view."

Mr. Adam Murray, land agent and surveyor, said on the same committee,

> "What do you consider the present price of grain?—Answer: I saw some very fine wheat from Somersetshire, that weighed 61lbs., sold for 43*s*. 11*d*. a quarter. Instead of 43*s*. 11*d*., it ought to bring, to remunerate the farmer, fully 64*s*."

And, before the committee of 1836, Mr. Thomas Bennet, the steward to the Duke of Bedford, stated,

> "The produce of lay land, eighteen bushels an acre; light land, 25 bushels."

And then being asked,

> "Do you think that either of those descriptions of land can continue to grow wheat at the present rent, receiving 5*s*. a bushel?" replied, "Looking at the prices of the ordinary productions of the farm, I think they can. The wheat is the larger proportion of what they sell; they have other things. Various witnesses make it 56*s*. to 64*s*."

Therefore it was that he proposed a gradual reduction from the average price of 73*s*., and he thought that such a reduction as he proposed would have the effect of keeping prices steadier, and of preventing that over-cultivation which high prices produced, for he found, by the return of wheat sold at Mark-lane, that as the prices declined the quantity sold became considerably less. The present scale had succeeded after a short interval a scale proposed by Mr. Canning. That scale went on the principle, that when the price was 60*s*. the duty should be 20*s*., and that the duty should decrease 2*s*. for every rise of 1*s*.; so that they would come to a nominal duty of 1*s*. when the wheat was at a price of 70*s*. The alteration which he would propose, therefore, was, that the duty which was now paid when the price was 73*s*. should be paid when the price should be at 70*s*., and that the duty which was now paid when the price was 72*s*. should be paid when the price should be 69*s*. He proposed, therefore, a graduated scale, because a fixed duty was objected to, and the ground of that objection he took to be, that it was impracticable to continue it when corn was high, and that when corn was very low it would be nugatory. During a certain interval of time it might be maintained; but why should they adopt a plan which, in the two extreme cases, would be entirely useless? There were evils also, and great fluctuations under the old system. In the years 1794 and 1795, or 1796, there was practically a free trade, that is, the restrictive price was below the ordinary market price, and the corn came in without restriction; but soon afterwards, in 1799 and 1800, the price was so high that Government, on their own responsibility, did away with the duty; and he would ask how, in periods of such difficulty, they would be able to deal with a fixed duty? But some said that there might be a fixed duty, which should cease if corn should rise above a certain price. If this were the proposal, what manœuvring would there not be to get the price just above the fixed amount? There were those also who said, that by a complete system of exclusion, we could best procure a permanent supply. But there had been almost an exclusion, and they had recently seen that corn had accumulated in warehouses which was let loose by the owners, rather than keep their money longer locked up or the corn injured, but there was no such thing as a permanent supply. The best way to obtain such a supply was, in his opinion, by an open trade, protected only by such a duty as should cause the producers of corn to be fairly remunerated. The greater the extent of the district from which they looked for a supply, the greater the probability was that they would have an average crop or a regular supply. The produce of a single field was different in parts of it, the produce of a single farm was not uniform, there was less difference in the average produce of a whole parish, still less in the average produce of a country, and there was yet more certainty of equality in the produce if they took as their field any number of countries accessible to each other by commerce. In this larger field they would have a more uniform production. The years in which a crop failed in one country were generally those in which the produce of others was greater than usual. The climates and the same yearly seasons in Poland, in America, in the Mediterranean, and even in England and Scotland, differed materially, and it was scarcely possible to find either a redundant or a deficient harvest throughout the whole world. We had come also to that state of manufacturing progress in which it had become desirable to have a regular import trade in corn, which we might get in exchange for our manufactures. It had been said by the noble Earl (the Earl of Darlington) who spoke last night, that the agricultural and the manufacturing interests were not opposed; it was not in the nature of things that they could be opposed. The prosperity of the agriculturists must necessarily in a great degree depend upon that of the manufacturing and working classes, and if the House wished to have something more than a theoretical argument on which to ground their belief of this fact, he begged to refer them to the result of an inquiry which had taken place in Birmingham upon the subject. That town had suffered much between the years 1818 and 1820, in consequence of the cessation of employment, which was the effect of the establishment of peace, and an inquiry was instituted, the result of which was stated by Mr. Spooner to a Committee of this House. The first four months of each of those years had been selected, when a much greater degree of distress had existed than in the corresponding months of the two preceeding years. The town was divided into districts, and the weekly return and the result which was given was ascertained from every butcher and baker. In 1818 the number of cattle slaughtered was 5,100, and in 1820 it was 2,700; so that it had diminished nearly one-half. In 1818 the sheep slaughtered were 11,400 in number, and in 1820 the number was 8,200. He asked then, whether this did not distinctly support his argument? The quantity of bread stated by Mr. Spooner to have been consumed was about the same which had been before disposed of, and for this reason — the operatives were prevented from consuming so much meat, and the extra quantity of bread which they took only compensated for the decreased consumption by those who were of a class even inferior to themselves. He had heard doubts expressed whether, in the event of an alteration being made in the Corn-laws, favourable to the introduction of foreign grain, there was any probability that the governments of the continental states would make any new regulations as regarded their relations with Great Britain in this respect; but he apprehended that whether any such new regulations were made or not, this country would still be placed in a better position. Because, if corn was produced in other countries at a lower rate than in England, it was obvious that when the door was thrown open to its introduction, the producers would have no hesitation in availing themselves of the opportunity afforded them. This country had completely changed its character in the course of some centuries. In the reign of Elizabeth we were producers of the raw material and exported it to other countries. It was to be collected from the contemporary writers that we sent out wool and skins, and brought them back in the shape of cloth, gloves and other manufactures; and that this was done, although there was a small duty imposed each way, on their going out and coming back. So lucrative was this trade in the raw material, that even rags were exported, and the paper brought back. Russia, Poland, America, were in that state now, and we were in a condition to take a portion of their raw material, and to give them a portion of our manufactures. During the war with France, no difficulty had been experienced in obtaining supplies of corn from foreign countries. During the whole of the continuance of that war a regular importation had taken place. The price was occasionally high, it was true, but still there was a continued and regular supply. If, then, the corn-growing countries of the continent had, under such circumstances, and in such a state of things, brought their corn to this country, he should say that in ordinary times, and under ordinary circumstances, they would do so to a still greater extent. But even supposing there were any difficulty with respect to the grain countries of Europe, still there were other corn-growing countries in the world, and while a proper and well regulated system of protection was afforded to commerce, they need be under no apprehension that there would be any falling off in the supply. He would warn hon. Members who were connected with the agricultural interest, of the danger of refusing to make some concession to the wishes of the people. It was not likely that the present agitation, as it was called upon this question, would subside unless something were done. While the people were suffering under the pressure of high prices and consequent scarcity of food, that agitation would continue. He called upon them to recollect "*Nescit plebes jejuna timere*," and trusted that they would adopt the prudent course which he had pointed out. The hon. Member concluded by moving as an amendment to the motion of the hon. Member for Wolverhampton (Mr. Villiers), that these words be added, "with a view to the reduction of the average prices specified in the table to that Act annexed, according to which the respective duties are imposed."

Mr. *W. Duncombe* said, that he should not have felt it to be his duty to arise to address the House on this occasion, but for the fact of the absence of his hon. colleague, who was more accustomed to take part in the debates of the House than he was, and of his having had the honour to present a great number of petitions praying that no alteration of the existing Corn-laws should take place—a prayer in which he most cordially concurred. It had been suggested that the sentiments of the people of this country had changed with regard to this question, but he begged to say, that the opinions which had been expressed by his constituents were strongly confirmed in the view which they had expressed, in opposition to the repeal of the Corn-laws. He imagined that it was impossible to overrate the mischief which would be likely to arise throughout the country in the event of the motion of the hon. Member being acceded to; and he for one should give his most cordial opposition to it. It was true that many petitions had been presented, the effect of which was to favour this motion; but he begged to ask, how those petitions had been got up? In some instances, he was credibly informed that signatures had been obtained by labourers, both men and boys being compelled to affix their names, by their masters, on their going to, or returning from work; and however numerous the signatures might be to these documents, he conceived that they ought not to be considered to counterbalance those which had been presented on the other side, and which came from the more respectable classes of the community. With respect to this motion of the hon. Member for Wolverhampton, he thought that it involved two propositions — first, the total and unqualified repeal of the Corn-laws, which was the view taken by the hon. Member himself, and the great proportion of those gentlemen who surrounded him, besides a large body of petitioners; and secondly, the adoption of a fixed duty—a proposition in which the hon. Member was joined by a Member of her Majesty's Cabinet. With respect to the adoption of fixed duties, he confessed that if he were in the position of the right hon. Gentleman the President of the Board of Trade, he would much rather support a total repeal, than a fixed duty of 7*s.* or 8*s.*, for he was certain that such a duty would be inoperative as affording any protection to the agricultural classes. He found that Mr. Canning, in the year 1827, had expressed himself decidedly opposed to such a duty, and in the year 1828, Mr. Huskisson, too, had declared that it was impossible to adopt such a project. It was obvious that the hon. Member thought that the great advantage which would arise from a fixed duty, would be the prevention of fluctuations in the price of corn, but he must beg leave to remind him that in instances where fixed duties had existed, more fluctuations had taken place than under the present system. As to the first proposition which he considered to be involved in this motion, he thought that the working classes would not be satisfied with the repeal of the Corn-laws; but that to adopt such a course would be to embark in a sea of troubles and difficulties of the most dangerous character. He said if there was to be a free trade in corn, let there be a free trade in every thing else—let there not be protecting duties upon anything. Upon silk there was a protecting duty of from 30 to 100 per cent.; on soap there was a protecting duty of from 3*l.* 10*s.* to 4*l.* 10*s.* per cwt.; upon linen, upon iron bars, upon hides, upon glass, upon cotton (when made up, and when not made up), and upon a great variety of articles, there were protecting duties. He asked the right hon. Gentleman the President of the Board of Trade did he mean to give up all those protecting duties? If not, why did he say to the agricultural interest that he would no longer give them that protection which hitherto they had the advantage of? He said that a protecting duty on corn was not a protection for the few, but the many; it was not for a class, but for the entire population. The question was, whether they would have the land cultivated and the people paid, or give up these advantages because certain gentlemen had thought proper to spread agitation throughout the country by means of hired lecturers? Did these agitating gentlemen imagine that the landed proprietors would be so soft as to give up their protection because of their agitation? For himself he would say, if it was the wish of Parliament and of the Government to extend the repeal of protecting duties to all those other articles he had referred to, and to give a free trade in every thing, he would willingly agree. [*Cheers.*] If they were willing to go that length, as from that cheer he understood they were, why had they not specified it by their motion? Instead of confining the motion to the Corn-laws, why not say what they mean? Why seek to get a vote under one pretence when they really meant another? Why not take off all taxation upon those imports? He believed the reason was to be found in the object they had in view, and that object he believed to be to get rid of the Corn-laws for the purpose of their own aggrandisement at the expense and injury of others. If such a principle were once suffered to creep in, they might rely upon it that it would recoil upon every other class of the community. Hon. Gentlemen opposite were mistaken if they imagined that their course of policy would not teem with the most disastrous effects to the country. He was anxious to support all measures which he believed to have a tendency to improvement and to the amelioration of the condition of all, but more especially the lower classes, throughout the kingdom; but he could not believe that any such effect would be produced by compelling them to rely upon foreign countries for food. He should upon that occasion give his vote in accordance with the petitions which he had recently had the honour of presenting to the House. Before sitting down he would observe, that if there was any one question which should not have been made an open question by the Ministers of the Crown, it was that of the repeal of the Corn-laws. He would advert to a passage contained in a letter from the noble Lord the Secretary to the Colonies to the electors of Huntingdon, which was to the effect that there were in that House a set of political economists who were anxious to have cheap bread at any sacrifice, but in seeking for this consummation they were endeavouring to obtain a fallacious panacea for the evils of the country. He wished the Government had adopted the sentiments of the noble Lord, instead of making an open question of a subject of such vital importance to the country.

Mr. *Clay.*—The motion of his hon. Friend was for a Committee to consider of the present Corn-laws. The reply is, there is no consideration necessary—the Corn-laws work well, and there are no grounds for any alteration. If this be so, then he must say he could not conceive by what urgency of circumstances or cogency of proof the House ever could be induced to view any portion of our code as susceptible of amendment. What is the nature of the proof? What are the circumstances which ought to induce the legislature to consider of the amendment of any law? That it had not answered its intended objects? That it affected injuriously some great national interest? That it failed to give contentment to the people? Which class of these desiderated proofs was wanting to the evil working of the Corn-laws? Did any laws ever more completely fail to fulfil the avowed intention of the framers? Two main objects were announced as the justification for the enactment of these laws. They were to keep the price of corn steady, and thus to protect the farmer from the ruinous effect of great fluctuations, and they were to render us independent of foreign supply. These were to have been their effects. What have been their effects? Fluctuations the most violent, variations almost from year to year of 100 per cent.

—prices so low as at one time to threaten the farmer with ruin—at another so high as to drive the humbler classes of consumers to despair. On this point he had not intended to say one single word—he had thought it impossible that the tendency of the Corn-laws to produce such fluctuations could, after the experience of the last few years, be disputed; it was otherwise, it was denied that those laws have such tendency, and it was said that the variations in the price of corn elsewhere were greater than here. It was with great reluctance he troubled the House with a repetition of arguments formerly used—the subject was exhausted. No ingenuity can find a new argument; and if, therefore, old fallacies were repeated, they must be met by the old refutation. If by prohibition or prohibitory duties they prevented the importation of corn below a price that would in ordinary years permit enough corn for our consumption to be grown at home—they rendered absolutely certain enormous fluctuations above and below that price. The breadth of corn, enough in ordinary years, is too much in years of abundance. What is to be done with the surplus? It cannot be exported, for we have taken pains to raise our prices above the level of all other countries; it hangs upon the market, and, according to a well known effect of the principle of supply and demand, beats down the price in a far greater ratio than it bears to the whole year's consumption. What is the consequence? Ruin or discouragement to the farmer—less breadth of wheat is sown—the smaller growth is coincident with a bad season—the price rises as much above as it fell below its ordinary level; again, the growth is stimulated, and they recommence their miserable cycle. This argument he had stated to the House four years since; and, prices being then at their very lowest level, had predicted what had occurred. He would now venture on another prophecy. Previously to the harvest of 1839 a very greatly increased breadth of wheat was sown. There was no reason to think it was diminished last autumn. If, again, they should have one or two favourable seasons in succession, they would again see wheat at a price at which it would be used as food for cattle. But it was now discovered that the fluctuations of price were greater elsewhere than in this country. On this assertion he would observe, first, that at all the ports whence our supplies of corn were drawn, the price must of necessity vary from a rate below our lowest prices, when there was no import to this country, to a rate only less than our highest price by the cost of transit; and, secondly, that by the document on which the inference was grounded, it appeared that the least fluctuation was where there was perpetual importation, viz. Holland. Again we were to be independent of foreign supply. Why, within two years, to avert the famine which stared us in the face, we have imported somewhere about 4,000,000 quarters of wheat. Do they interfere with the developement of the national energies—do they cramp the enterprize of the merchant—narrow the market of the manufacturer—and enhance the course of the subsistence—while they diminish the employment of the artizan? To this point they had the testimony of every class—of almost every man in the kingdom, capable of forming an opinion on the subject—they had the calm, deliberate opinions of the greatest merchants and the most extensive manufacturers—they had the unanimous voice of all the great commercial towns of the kingdom—they had, above all, the unanswerable argument of facts—almost the whole of northern and central Europe have combined to exclude our manufactures on the express ground of the Corn-laws. With the countries lying nearest to our own shores, and with which our commercial relations should be naturally the most intimate, we have the least trade; among people disposed by identity of origin, and similarity of interests, to be the most friendly to us, our selfish and capricious legislation is fast generating hostile feelings. We are fast converting those who should be our best customers into jealous and angry rivals. An attempt was certainly made last night by the hon. Member for Maidstone, if he (Mr. Clay) rightly understood him, to show that our duties on corn and timber had no influence on the commercial code of the corn and timber-growing countries; but, as he could not avoid supposing that the hon. Gentleman made his speech rather with a view of showing how ingeniously he could support a bold paradox, than in the expectation that the House could agree in his views, he would not occupy the time of the House in refuting a proposition, which was as obviously opposed to all probability, as to the mass of evidence that was at hand as to the fact. There is, again, the derangement of our monetary system. With respect to that system there are many different opinions; very opposite doctrines are entertained both as to its defects, and the remedies for those defects; but there is no theory on the currency, as far as he was aware, which did not allot to the recent large importations of corn the chief share in its late alarming derangements. The House might be assured, that no monetary system, not even a system wholly metallic—certainly not one consisting partly of paper money—could be otherwise than most injuriously effected by the necessity of a large and sudden demand for the export of the precious metals. The abstraction of a large portion of the circulating medium, even when unattended by the further diminution which the panics incident to a vicious system create, must of necessity be accompanied by a lessening of the usual banking accommodation, a derangement of the money market, and a general fall of prices, ruinously affecting all the great interests of the country. We were in this absurd position, that when, from a failure of our own harvests, we required corn from abroad, we could only get that corn from nations with whom we had taken the greatest pains to limit or destroy our commercial intercourse; and where, of course, there could be no market prepared to receive the produce of our manufacturing industry. What was the result? They will only take our gold; the abstraction of this lifeblood of our circulation paralyses the productive energies of the country, which languish, until, by some slow and circuitous process, we regain the sum of the precious metals necessary for the healthy state of our monetary system. Now these things were notorious; the facts to which he had referred could neither be gainsaid nor explained away, and yet hon. Gentlemen said the Corn-laws worked well, and there was no necessity for change. They might be quite assured such was not the feeling of the people. The contrary conviction was every day spreading more widely. Let the House look at the present state of the question as regards public feeling and opinion, contrasted with what it was only twelve months back, and see what hold it has taken of the public mind. The call for repeal has doubled in strength since last year, nor was this to be attributed (as had been asserted by the hon. Member for Nottinghamshire and others) to the exertions of the itinerant lecturers, not to the speeches at public meetings. He did not deny that the efforts which had been made to diffuse information on this great question, might have had some effect in exciting public attention; but, without the lessons which events have taught, orators might have spoken, and lecturers lectured in vain—such means of excitement were efficacious as adjuncts to the sterner schooling of experience—they were but of slender potency, unless, by circumstances, the public mind had been fitted for their reception. But whatever might be the effects to be ascribed respectively to various causes in producing the present state of public feeling, the fact was certain, that there was an intensity and accordance of feeling and opinion among great classes of the people as to the repeal of those laws which had never yet existed. He believed, that, ere long, the universal opinion of the public, with the single exception of the comparatively small number who believed (erroneously, as he thought), that they had an interest in keeping up the price of corn, would be in favour of the repeal of those laws. He would ask of the advocates of the Corn-laws whether, under these circumstances, they really thought those laws could be maintained? Supposing them to deny the force of the arguments against the policy and justice of these laws—supposing them to set but little value upon a free commercial intercourse with other countries—supposing them to be willing to encounter periodically the grave inconveniences of a deranged currency—did they believe that they could maintain laws against which the whole commercial and manufacturing interests, and all the greatest cities and towns of this country protested almost with one voice? He did not believe that such an opinion was very confidently entertained. There were symptoms, not very equivocal, of a doubt, at least among the most powerful supporters of the Corn-laws, whether, in the existing form, those laws could be maintained. He would beg leave to refer to a very significant passage in the speech of the right hon. Gentleman, the Member for Tamworth, on occasion of the recent debate on the motion of a want of confidence in Ministers. The hon. Gentleman was proceeding to read an extract from the speech in question, when he was interrupted by

The *Speaker*, who said, that it was not in order to allude to any debate which had taken place in the course of the present Session.

Mr. *Clay* said he supposed he might read what he had met with in a certain publication, and which reminded him very much of what he had heard fall from the right hon. Baronet on a certain occasion. The hon. Gentleman was again proceeding, amidst cries of "order, order," to read from a paper in his hand, when

The *Speaker* said, the hon. Gentleman must be aware that he could not allude, either directly or indirectly, to speeches made in the course of the present session, and that it was a very shallow disguise under which he was now attempting to do so.

Mr. *Clay* said he supposed, then, that he might be allowed to state what his impression of the right hon. Baronet's arguments were in reference to this subject, and was proceeding to do so, amidst some confusion and murmurs, when

Sir *R. Peel* rose and said, that what he had really said, he believed, appeared in the form of a pamphlet, and under these circumstances he did not know how far this quotation might be allowable; but he did protest against the hon. Gentleman's giving his own version of his sentiments. Personally he had no objection to the hon. Gentleman's reading the passage he referred to.

Mr. *Clay* proceeded to read the extract, which was as follows:—

> "On that great question, my opinions remain unchanged. I adhere to those which I expressed in the discussion of last year. I did not then profess, nor do I now profess, an unchangeable adherence to the details of the existing law—a positive refusal, under any circumstances, to alter any figure of the scale which regulates the duty on foreign corn. I did profess, and I now repeat that I consider a liberal protection to domestic agriculture indispensable, not merely to the prosperity of agriculture, but to the general interests of the community—that I think a graduated duty, varying inversely with the price of corn, far preferable to a fixed duty; that I object to a fixed duty, first, from the great difficulty of determining the proper amount of it on any satisfactory *data*; but, secondly and chiefly, because I forsee that it would be impossible to maintain that fixed duty under a very high price of corn, and that, once withdrawn, it would be extremely difficult to re-establish it."

He did not wish to extract from the passage he had read any stronger meaning than the hon. Gentleman himself would avow, but he thought he was entitled to draw from it this inference, that the right hon. Gentleman did not feel quite confident that the corn-laws, in their present shape, could be maintained. Thus much, at least, however, was clear, that the right hon. Gentleman avowed his preference of the sliding scale. But he thought the right hon. Gentleman should go further, and state to the House what was the alteration of the rates of duty he would, if in his judgment any change were necessary, be disposed to make. He (Mr. Clay) thought this the more incumbent on the right hon. Gentleman after the declaration of opinion as to the amount of a fixed duty made by a member of the government, his right hon. Friend the President of the Board of Trade, last evening. He did not of course mean that his right hon. Friend spoke the language of the government—his right hon. Friend had expressly stated he spoke only as an individual—whether, however, the right hon. Baronet would be disposed to follow the example of frankness set by his right hon. Friend, of this at least he was glad, that the two great principles of free trade, with a moderate fixed duty on the one hand, and the present system of the sliding scale and fluctuating duties on the other, stood fairly in contrast with each other; and that it was mainly by the great party—the Liberal party to which he had the honour to belong—that the former principle was espoused. He felt perfectly certain, that, despite the powerful opposition of the right hon. Baronet, the day was not far distant when that principle would be sanctioned by the overwhelming weight of public opinion. He was completely opposed to the alteration shadowed out in the speech of the right hon. Gentleman, and embodied in the resolution proposed by his hon. and learned Friend the Member for Cambridge. Any mere reduction of the duty, any change which should retain the principle of the sliding scale, would leave untouched the most noxious element of the present system. The great evil of the present system was, that under the semblance of a free trade, it rendered any really free trade impossible. No people could grow corn for our use under a system which at one moment admitted the produce of their fields, and at another condemned it to rot in their granaries. No government could be expected to relax its exclusion of our manufactures in return for a commercial intercourse, so contrived as to inflict injury rather than confer advantage on its subjects. Any alteration of the Corn-laws, therefore, which did not sweep away the whole machinery of the present Corn-law, and substitute for the averages and the sliding scale of duties a trade really and honestly free, on clear and intelligible principles, he should hold to be completely nugatory. The House would observe, that in the observations he had made, he had gone but slightly into the general question of the Corn-laws. He had felt that the subject was exhausted, and that as regarded himself, he could add nothing to the arguments which by the indulgence of the House he had on former occasions advanced. He should, therefore, abstain wholly from trespassing on the time of the House, by entering on the wide field of argument which a consideration of the whole question of the Corn-laws presented, but content himself with earnestly requesting of those hon. Gentlemen who more especially represented agricultural interest in that House, to reflect whether it were consistent with a wise policy any longer to refuse a reconsideration of our present system. This request he would address equally to both sides of the House. This was not a party question—it was a question of classes, but only the more important and dangerous on that account. It was more and more felt every day to be a question between the class of landholders, identified not unnaturally or unjustly with the highest and most powerful classes, and the rest of the community. He had never argued the question in a spirit hostile to that class; on the contrary, he had more than once said, that in his opinion, if there were one class more than another deeply interested in the repeal of these laws, the landholders constituted that class. The wealthy capitalist, the skilful artisan, might quit our shores, but they must remain and partake the good or evil fortunes of their country. Whilst the country continued to prosper, and its wealth and population to increase in an equal ratio, to suppose that the value of landed property could decrease to suppose even that it should not increase, appeared to him the idlest and most chimerical fear. But if, unhappily, whilst our population increased, our means of employment should be stationary or decrease—if capital, finding no profitable employment, should be abstracted or extinguished, then indeed a time might arrive when the possession of extensive estates might confer something very different from wealth, or influence, or happiness on the possessor. Nor was this a question safely to be postponed or trifled with; our population increased at the rate of half a million a year. Did hon. Gentlemen not feel that one fact to involve the most awful consequences? Did they really believe it possible much longer to maintain a system which prevented our people from drawing their subsistence from a wider portion of the earth's surface than is comprehended within the limits of the British islands? At present a change in our system would have most beneficial results; but every year the chance of securing those results become less, inasmuch as it would become more difficult to establish sound commercial relations with other nations, and as a feeling of alienation and disgust should spread more and more widely through the great bulk of the people of this country. For these reasons he would implore the House at least to show such respect to the strong feeling that existed on this head, as to accede to the motion of his hon. Friend and go into committee. When in committee, some middle term—something approaching to friendly compromise—might be suggested. He was himself of opinion, as he had repeatedly expressed, that the agricultural interest need have no fear of a free trade unshackled by any duty; but would not conceal his opinion that a free trade, with a moderate fixed duty, if such should be insisted on, would be an improvement of the greatest value on our present system, and have effects on the best and most permanent interests of the country, of which it would be difficult to over-estimate the value.

Mr. *Shaw* did not rise at that late hour to trespass long upon the attention of the House, but as he saw the hon. Member for Wolverhampton in his place, he was anxious to disabuse the House of one or two misrepresentations which the hon. Gentleman had, he was sure, unintentionally made in respect to the manner in which the interests of Ireland were affected by this question. The hon. Gentleman had said, that of all the shallow pretences which had been advanced in support of the Corn-laws, the case of Ireland was the shallowest and the boldest. He was exceedingly astonished to hear the hon. Gentleman make that statement, but still more so to hear the reasons the hon. Gentleman assigned in support of it. The hon. Gentleman stated, that from 1832 to the present time, Ireland had been exporting less and less corn than before. [Mr. *Villiers:* Wheat.] The hon. Gentleman said wheat. Now, he would beg to refer the hon. Gentleman to the return made last year, on the motion of the hon. Member for Sligo, of the quantity of corn imported from Ireland from the year 1800 to the 3rd of January, 1839; and first, with regard to corn generally, it appeared that in 1832 there had been imported 2,990,767 quarters of corn, whilst in the year 1838, there had been 3,474,302 quarters imported. Of wheat there had been imported, in 1832, 790,000 quarters, in 1833 844,000 quarters, in 1834 779,000 quarters, in 1835 661,000 quarters, in 1836 598,000 quarters, and in 1837 534,000 quarters. [Mr. *Villiers:* That's a falling off.] It was a falling off as compared with the year 1833, but as compared with a former period since the Union it was a very considerable increase. In 1815, for instance, the quantity imported was 189,000 quarters. He would refer to the opinions of two Gentlemen of opposite politics, which were contradictory of the view taken by the hon. Member for Wolverhampton. The first was Mr. Sharman Crawford, who said that "it would be better for Ireland that she should not be an exporting market, and, therefore, the continuance of the Corn-laws could not be looked to as a means of advancing the prosperity of Ireland." The next was Mr. O'Connell, who said that "he considered that this country (Ireland) had no chance of recovering any portion of that wealth which had been abstracted from it, until the English market was thrown open to foreign corn, and the absentees made to return to Ireland." Now, if the hon. Member for Wolverhampton would be bound at all by the statements of those who were supposed to know most about the interests of Ireland, he thought he could not but admit that those opinions which he had quoted went directly in support of the fact that the Corn-laws did tend to promote and encourage the importation of corn from Ireland; and, therefore, the hon. Gentleman would not be surprised if he found a good number of Irish Members, of all politics, voting against his motion. He was sorry to be obliged to say that, in his opinion, it was but too true, that the people of Ireland were so low that it was impossible they could descend lower in the scale of human enjoyments. The hon. Gentleman said, he would find employment for them in the manufactures of England; but he could not hear that there was any want of hands in England; and if the Corn-laws were repealed, how many agricultural labourers would be driven to seek employment in the manufacturing towns? Why, if they were to repeal the Corn-laws, they would have, instead of an influx, an actual inundation of the people from Ireland, seeking food and employment. Upon all these grounds, therefore, he should give his cordial opposition to the present motion, or to any other of similar tendency.

Mr. *Villiers* said, that having been directly charged with misrepresentation by the hon. and learned Member, perhaps the House would allow him to say a very few words in explanation. What he had said last night was, that of late years the importations of wheat from Ireland had been diminishing, and the hon. and learned Gentleman, by the returns he had read to the House, had precisely confirmed what he had stated. With the single exception of the year 1834, the imports had been decreasing every year since the year 1832.

Debate again adjourned.

HOUSE OF LORDS,

Friday, April 3, 1840.

MINUTES.] Bills. The Royal Assent was given by commission to the following Bills:—Consolidated Fund; Mutiny; Marine Mutiny; and a number of Private Bills.—Read a third time:—Metropolitan Police Courts.

Petitions presented. By the Dukes of Buccleugh, Newcastle, and Wellington, the Marquess of Londonderry, the Earls of Winchilsea, Yarborough, Fingal, Wicklow, St. Vincent, and Galloway, Lords Fitzgerald, and Ashburton, from a great number of places, against, and by the Marquesses of Westminster, and Normanby, the Earls of Clarendon, and Radnor, and Lord Holland, from a very great number of places, in favour of the Total and Immediate Repeal of the Corn-laws.—By the Duke of Argyle, the Marquesses of Bute, Londonderry, and Normanby, the Earls of Galloway, Aberdeen, Erroll, and Wicklow, and Lords Strafford, and Dacre, from a number of places, in favour of Non-Intrusion.—By Viscount Melbourne, from three places, for the Release of John Thorogood, and the Abolition of Church Rates.—By the Earls of Galloway, Delawar, and Winchilsea, and Lord Kenyon, from several places, for Church Extension.—By Lords Kenyon, and Redesdale, and Earl Delawar, from nineteen places, against the Grant to Maynooth College.—By the Duke of Newcastle, the Earl of Winchilsea, and

Lord Redesdale, from several places, against the Irish Corporations Bill.—By the Duke of Newcastle, from the Leeds Operatives, for Defining the Privileges of Parliament.—By the Bishop of Norwich, from one place, against the Opium Trade.

MUNICIPAL CORPORATIONS (IRELAND).] The Marquess of *Westmeath* presented several petitions from various parishes in the city of Dublin against the Irish Municipal Corporations Bill, and in presenting them he would take the liberty of saying a few words on the subject. In his opinion, there never was a time in which Ministers were more called upon to look with caution on the probable effects of this measure than at the present moment. He was sure that this bill never had its origin in calm, dispassionate, discriminating, statesmanlike views of a necessity for some change on the question, but it had its origin in the expectations which factitious agitators had formed from the nature of the government which ruled, or pretended to rule, this country. Legislation for Ireland was carried on in an improper, and, he would say, a clumsy manner. Her Majesty's Administration proposing measures for that country acted on entirely wrong principles. They were desirous of treating Ireland in exactly the same manner as England, without any considerations of the education, habits, condition, or religious disposition of the people by the respective countries. The case of the two countries was not in any manner analogous. The same reforms which were desirable for England were not suited to Ireland, and the changes which were requisite for the relief of that poor and unhappy country would be entirely unnecessary in the comparatively happy condition of her wealthy sister. This was the spirit from which all the reforms of late years—the union between the two countries, the Catholic Emancipation Act, and similar important changes had arisen, and it was now being acted upon in the case of the municipal corporations. In the wealthy corporations of England many abuses had, in the course of years, naturally crept in, and these abuses required reform. But this was not the case with the corporations of Ireland, and to introduce the same changes into these very different institutions was, he would plainly tell the Government, a very clumsy attempt at legislation. If this bill were passed as it was presented to their Lordships, the connexion between the two countries would be fatally diminished, if not entirely destroyed.

Petitions laid upon the table.

CORN-LAWS.] The Earl of *Galloway* presented petitions from several places in the county of Wigtown, against the repeal of the Corn-laws. The parties who were agitating this question were seeking, the noble Earl said, to revolutionize the country. Every effort was made for this purpose. In the part of Scotland with which he was connected, lecturers had been sent from Manchester, and he could assure the House that they were busy enough in propagating their doctrines, and in arousing agitation against the Corn-laws, but he hoped their success would not be equal to their industry. To show the mad and absurd attempts which such persons made, he had received information that an association was about being formed which was to be called the Land Redemption Association. His informant had told him that they had published in some of their documents quotations from Genesis, to show that all land was originally given in common, and that therefore all were bound by laws both moral and divine to again resume the possession of that property to which each and all had an equal right. They also quoted some extracts from Blackstone and other authorities. The plan which they intended to pursue was, that all land being thus recovered from private persons should be vested by commissioners for national purposes. Such was the monstrous and wicked doctrines which these agitators propagated. To put down this growing evil, a firm and united government was wanted, and such a government this country at present had not. If the Government were united, and would boldly stand up and express their determination of maintaining the present system of Corn-laws, of settling the important and exciting question of non-intrusion, and use their best exertions to mitigate, if not entirely to prevent the evil of sabbath desecration, this would be doing more real good to the people than they could ever expect from all their truckling to agitating Radicals.

Lord *Fitzgerald* said, that he had read with surprise a statement made on the subject of the Corn-laws in another place by a person filling a high station. The speaker had said that in his opinion the people of Ireland would not be affected by a change in the existing system. When that subject would come to be discussed in the House, he thought that he, among others, would be able to show, that there was no part of the United Kingdom which would be so seriously affected as Ireland by such a change, and that there was no portion of her Majesty's subjects who would so severely suffer from it as the population of Ireland as contradistinguished from the proprietors of the soil there. If in this country it had been stated, that it was a landlord's question, he thought that, so far as Ireland at least was concerned, it was not a landlord's question, but one which affected the great body of the people, whose interests, and, he might almost say, whose existence, would be endangered by the agrarian revolution which would necessarily occur from the protection being withdrawn from agriculture. He thought it right not to let a single day pass without stating his dissent from the opinion to which he had alluded, and he hoped that when it went forth that such an opinion had been stated in Parliament, and had been made the grounds for recommending a change in the existing law, that there would be soon such a manifestation of opinion in Ireland as would remove so erroneous an impression.

HOUSE OF COMMONS,

Friday, April 3, 1840.

Minutes.] Petitions presented. By Messrs. Greg, M. Philips, Villiers, Dashwood, Hume, Hawes, E. Buller, Clay, Horsman, and O'Connell, Lord Sandon, Captain Pechell, and the Attorney-general, from a great number of places, for, and by Messrs. Barry, and Codrington, Sir B. Vere, Lord Eliot, and Lord Sandon, from several places, against, the Total and Immediate Repeal of the Corn-laws.—By Mr. Thesiger, from two places in Canada, for Protection to the Interests of the Established Church.—By Mr. Thorneley, from Liverpool, against the Importation of Hill Coolies into the Mauritius; and from Wolverhampton, against Church Extension.—By Mr. Eliot, from Roxborough, for Universal Suffrage.—By Messrs. Pakington, Barneby, and Goulburn, and Lord Sandon, from four places, for Church Extension.—By Mr. Sanford, from one place, against the Opium Trade.—By Mr. Benett, from a Poor-law Union, against Assessing Stock in Trade for the Poor-rate.—By Mr. H. Johnstone, and Mr. Ferguson, from two places, in favour of Non-Intrusion.—By Mr. Goulburn, from one place, against the Grant to Maynooth College.—By Sir William Follett, from the Clergy of Exeter, against the Report of the Church Commissioners.

Corn Laws--Adjourned Debate (Third Day).] Mr. *Brotherton* said, having presented petitions from 20,000 of his constituents for a repeal of the corn-laws, he wished to say a few words. It was unnecessary to state that great distress prevailed in the manufacturing districts. In Manchester, Stockport, Bolton, and other places, the mills were very generally working short time, or had stopped altogether. The state of destitution in the manufacturing districts, indeed, exceeded what was ever known before. He might state, that in Manchester it was found on inquiring, that 1,950 families, with 8,000 persons included, earned on an average 1*s.* 5*d.* a week for each. Now for all this distress there must be a cause. He was free from attributing it entirely to one cause. His opinion was, that there were several causes. One was the over-populated state of some districts; another, he believed, was the corn-laws; and a third was, the state of our relations with America, owing, perhaps, to the attempts which had been made to force up the price of the raw material. Let it be recollected, that our population increased at the rate of half a million annually. Where could all these growing millions be provided for? Could they be provided for by limiting the supply of food, through circumscribing our markets, and thus diminishing the sources of employment for our labour? How could the people be expected to pay the taxation, if they were deprived of the means of supporting the expense of using exciseable articles? On all these considerations, it was important that the state of the corn-laws should be taken into consideration. In general, it was believed that the cause of the present depressed state of trade was our corn-laws. He objected to those laws because he thought them unjust, inhuman, and impolitic. It was unjust to legislate for one class of the community at the expense of the rest. Could it be pretended that the corn-laws were founded on the principles of justice? In his opinion it was an abuse of legislation, to make enactments for the benefit of one class to the injury of another. The rights of industry were as sacred as the rights of property, and they ought therefore to be as firmly secured. Now what was the present corn-law passed for? Why, to secure the rents of the landlord, and to throw the burden of the State upon the people. It had been calculated that this unjust law had thrown a burden of from 20 to 40,000,000 upon the rest of the community. Now he would ask why a law should be passed to protect 30,000 landowners, at the expense of 25 or 26,000,000 of the other inhabitants of this country? The law operated most cruelly and harshly upon the poor man, for it made him pay one-third of his income towards the taxation of the country, while the rich man did not pay more than one-tenth. When they considered that by the New Poor-law Bill the poor were thrown upon their own resources, and were called upon to provide for themselves, he thought it unjust that the poor man should be deprived of the means of disposing of the produce of his labour at the best market. He could not understand how any man supposed he was doing his duty in supporting a law of that kind; on the contrary, religion taught us that it was our duty to "feed the hungry." And was it consistent with that duty to pass a law which prevented the hungry from getting food? Was it not a religious duty of those who made the laws to enable the poor man to obtain food by the labour of his hands, instead of making him depend upon poor-laws, or upon the assistance of the rich? He was of opinion that every man could and ought to be placed in a situation to earn a living, in an honest way, by his own exertions. In his opinion, the corn-law was most unjust, impolitic, and immoral—nay, they were inhuman, for it was inhuman to raise the price of food. He contended that the law was far from beneficial to the country. It was impolitic to the merchants, injurious to every class of manufacturers, and destructive to the artisan. It could not be otherwise than prejudicial to the farmer, and he did not see how it would benefit the landlords themselves in the long run. It had converted into rivals those who were the best customers of our manufacturers. The consequence was, that our machinery was exported, and our artizans emigrated, and in a short time, foreign competition would compel our manufacturers to demand protection, by prohibiting the importation of foreign goods, in order that they might keep the home trade. What they complained of was, that their competitors on the Continent were enabled to obtain their food at a cheap rate, and they were obliged to compete with them with their hands tied behind their backs. No doubt the energies of the country were such as would enable it to rise over every obstacle; but the House should recollect, that it was from the manufacturing industry that the taxes were raised, and if they were crippled, it would eventually terminate in the ruin of the landed interest. All the manufacturers wished was, that the labouring classes should have cheap food, and it was unnecessary for him to refute the mis-statement, that when food was low wages fell. On the contrary, experience had shown, that when the price of food was low, the labouring classes were much better off. At present they had not the means of purchasing a sufficiency of food, and the amount paid in the present year for corn, as compared with 1835, was 30,000,000, which had been put into the pockets of the landowners. It was absurd to say, that one class was independent of the other. They were all mutually dependent on each other, and countries were in like manner dependent on each other. He contended, that God had given to man the fruits of the earth for his sustenance, but human legislation stepped in, and said they should not enjoy all the fruits of the earth—that they should only enjoy the fruits of a part of it, and then they took care to tax them for the fruits of that part which they enjoyed. At the time corn was at the lowest price in this country, land was not thrown out of cultivation. We had to depend on foreign countries for tea, sugar, cotton, and other articles that we could not do without; and therefore we should not be more dependent upon them if we had to receive from them the article of food. If there was but a free trade, everything would tend to the benefit of all classes of the community. It was not for the interest of this country to export corn, but we employed our population in manufactures, and in the shape of manufactures we exported the produce of our country; and it was, perhaps, in allusion to that, that a Gentleman stated last night it was not for the benefit of Ireland to export its corn. Now if manufactories were established in Ireland, and the Irish people could consume provisions on the spot, and export manufactures to other countries, it was quite clear that the agriculturist would gain much more by selling it to customers at home, than they could possibly do by exporting their produce. Everything the manufacturer used had a tendency to benefit the landowner. It was the interest of the landowners to enable the manufacturers to extend their trade—to take their manufactures to neutral markets—and that was to promote the prosperity of the country. It was stated by the hon. Member for Nottinghamshire (Mr. G. Knight) last night, that the only reason why the manufacturers advocated a repeal of the corn-laws was, that they might grind down their workpeople, and that they might increase their own fortunes at the expense of the landowners; and that they ground the bodies of their work-people, and neglected their souls. But when they considered the number of bankruptcies which had occurred lately, and when they saw the number of people who were out of employment, they must be aware that the manufacturers were suffering under great distress. The manufacturers had no protection, and why should the land owners ask for protection? They wanted protection merely that they might increase their rent beyond what they ought, and extract the difference out of the industry of the people. What had been said by the hon. Member for Nottinghamshire last night of the town in which he resided? What had been the conduct of the noble Duke to whom that hon. Gentleman had alluded, and of the inhabitants of that town, to those lecturers who had been sent out by the Corn-law league, to prevent those lecturers from enlightening the minds of the people? Why that hon. Member must know that that noble Duke to whom he had alluded had doubled his rents within the last year—["*No, no.*"] He knew it was a fact that the rents of the Worksop estate had been doubled within the last year. Now, was protection to be given to enable the landlords to double their rents? It was contended that the agricultural labourers would be reduced to a lower state by a repeal of the Corn-laws. He thought they could not be much lower than they were at present, notwithstanding a noble Duke had said in another place that he was astonished labourers should be discontented or ask for a repeal of the Corn-laws when they were earning such wages as 9*s.* a-week. Manufacturers, he would take upon himself to say, were not in the habit of paying the labourers in this manner when they were in a prosperous condition. In his opinion all classes of the community would be benefited by a repeal of the Corn-laws, trade would be extended, the revenue increased, and employment found for the great mass of the people, and cause them to be satisfied, when they knew that they were living under just and equal laws. If the Corn-laws were repealed, instead of the sun of Britain being set for ever, he was convinced it would rise and shine with meridian splendour, and that the people would be contented, prosperous, and happy.

Mr. *G. H. Vernon* said, in regard to the agitation of the parties calling themselves the Anti-Corn-law Association in the town to which the hon. Member had alluded, he must say, that the noble Duke who had been referred to had not one single house in the town, and had no influence with the inhabitants beyond that legitimate influence which resulted from the respect and love with which he was regarded, and the high character which he held; and if the facts were true that the noble Duke had doubled his rents, it did not say much for the opinion of the people against Corn-laws, that with a knowledge of that, a Corn-law agitation could not be got up among them. In this particular instance vast improvements had been effected in the estate, and only one person had declined resuming his tenancy on the increased rent. Now with regard to the general question, he was not at all anxious to be one of those who made long pamphlet-filling speeches. He thought this one of those questions in which it was much more easy for the assailants to make out a plausible case than the defenders. He was one of those who did not like change for the sake of change, and he thought the onus of establishing the necessity for the change in this case, lay upon those who called for the change. He would not go into details, but he would inquire into the motives which the hon. Member for Wolverhampton attributed to those who were opposed to the motion; and he thought it would have been well had that hon. Member confined himself, and interested himself for those whose peculiar organ he was, and have let those alone who were convinced that they were better off as they were, than they would be in the position in which he wished to place them. The hon. Member had quoted long extracts from evidence given before the Committees on Agriculture of 1833 and 1836, but he hardly called the evidence he read fair. One page of evidence he had read over twice, which consisted of the greatest twaddle he had ever heard, and proved that the hon. Member was not at all a competent judge of the matter. The objection the hon. Member took was, that the farmer was seduced by the promised high price of grain to take a farm at a higher rent than the event justified. Now, if that had been extensively the case, it might be a good argument for something, but as it was notorious that the fact was otherwise, although he would not deny that there might be some isolated cases of that kind, yet no man could say, that the farming interest during the last twelve years had been in a suffering or depressed state; on the contrary; or whence came the number of petitions from almost the whole of the agricultural interest, from almost the whole of the farmess in the country, who with one voice cried out to be left alone with such protection as they at present enjoyed? It was natural that at the time of the Committee some farmers were suffering, and it was equally natural that they should come forward and state their sufferings. He well remembered the evidence of a farmer from Berwick before that Committee. That man said, there was no distress in Berwick. Other Scotch farmers said much the same. For the Scotch were a sensible and sagacious people, and they knew that, although there was a deficiency of wheat, that was compensated by other produce. The hon. Member for Wolverhampton, in connecting his argument with the present financial difficulty of the country, said, that the people were prevented from purchasing exciseable articles, because the Corn-laws compelled them to lay out the greater part of their earnings upon the first necessary of life. In order to prove that, the hon. Member made it appear that in the years in which corn was at the highest price, the consumption of soap was at the lowest; the revenue paid upon soap in 1838 being upwards of a million, whereas in 1839 it fell to 740,000*l.* But the fact was the very contrary. Instead of a million, the duty upon soap, in 1838, was only 670,000*l.*; and in 1839, the dearer year of corn, it amounted to 740,000*l.* In the total revenue there was also an increase in the years in which the price of corn rose. He thought it right to make these explanations, as the statements of the hon. Member for Wolverhampton on this subject were calculated to make a great impression in the country. He was aware that there were many collateral questions of political economy which could not be taken into calculation in making these estimates; but it was important when statements were made, and arguments founded on them, that the facts should be rightly stated as an indication and example of how much value should be set upon them. He had ascertained that last year there was the same quantity of soap manufactured, exceeding the quantity manufactured in the present year by only 2,000*l.* or 3,000*l.*, which was a proof that the consumption still remained the same. Again, the hon. Member for Wolverhampton had expressed surprise that every Irish Member should advocate these laws, and he stated, that the export of wheat from Ireland had diminished every year. Now he had ascertained that in the year previous to the new Corn-law, Ireland exported 485,000 quarters of wheat, while last year she exported 542,000 quarters, showing, that the quantity of wheat exported was progressing. Another statement made by the hon. Member for Wolverhampton was, that the average wages of able-bodied men in this country fluctuated between 5*s.* and 5*s.* 6*d.* per week, and he mentioned an instance in which the magistrate and Board of Guardians had rated the wages from 5*s.* to 5*s.* 6*d.* That might have happened with regard to some idle and useless men, whom it was not thought fit to take into the workhouse; but he would appeal to every Member who had any knowledge of the agricultural districts, whether it was possible to believe such a statement as that of the hon. Member for Wolverhampton. The hon. Member stated, that he had made inquiries upon the subject, for the purpose of having the fact verified; but of whom did he make the inquiry?—not of the Board of Guardians, but of the editor of a newspaper in which that fact was inserted. Nobody doubted that the editor of the newspaper might have received that information. To his knowledge, many labourers only received 5*s.* a week, simply because they would do no work; and the question was, whether they should have that in the House or out of the House? He had never given less than 12*s.* a week, to any body, whether married or unmarried, and some of the farmers in his neighbourhood had said, that they wondered that he could get men to work for that, as they were giving from 13*s.* to 15*s.* a week, in consequence of the high price of corn. He had told them he was very glad to hear that, but his labourers had some advantages in respect of their cottages, and so on. As the chairman of the Board of Guardians in his own district, he knew that to be the state of the north of Nottinghamshire, and he believed it was the state of the adjoining districts. In the south of England he was aware that wages had not been so high. No doubt the wages of labour in a country ruled by Poor-laws would sympathise with the price of corn. It was well for manufacturers to deny this, but it was certain, if the labourers were suffering in the degree urged by Members on the other side, they would have recourse to the workhouse, where they would receive a larger amount of sustenance than was distributed to the indigent of any country on the face of the earth. He thought he was not doing the Anti-Corn-law party injustice in saying they endeavoured to bring everything available to bear upon their case. But these Gentlemen said, all the distress which they represented as existing was owing to this law. He had in his hand a pamphlet giving the average price of corn in 1829, 1831, and 1836, as 63*s.* 3*d.*, 64*s.* 3*d.*, and 66*s.* 4*d.* If the Corn-laws were the occasion of distress, it might have been supposed to have existed at periods when there was so much excitement as those. This agitation was the consequence of the excitement respecting organic changes, from which we had been suffering during the last few years. Chartism was another consequence of it. Now, of what had the Chartists complained? Had they said they were starving? No such thing; and notwithstanding all the lecturers who had been sent among them they had not joined in this agitation. They had had sense enough to see that their own grievances were not the grievances of the master manufacturers. He had no hesitation in ascribing the distress under which the manufacturers were now suffering to the state of the American markets and the monetary system of that country, which was only now emerging from its difficulties; and as if that were not enough, we must go to war with China, a country which consumed large quantities of British manufactures. It was impossible to command a steadiness in the price of an article which like corn was affected so much by the weather and other circumstances over which they had no control. If they once put the home market out of cultivation a season of dearth might occur, and they would have to contend with the whole of Europe for every quarter of corn imported, and no regulations which could be devised would prevent a rise in price. It was said that these laws deprived "the people," as they were called, of bread, but look at the population of Ireland—he ventured to assert, that out of the eight or nine millions there, not more than two millions ever eat any meat. Again, look at Scotland. In that country, he believed, not above one-third of the population used meat. In England, if the paupers and other classes were included, at least one-fourth of the population were in the same position. That state of things certainly could not be ascribed to the operation of the Corn-laws. He denied that the result of the present system was calculated to produce ruin to the landed interest; but if such were the case, he was ready to incur the responsibility of maintaining the present system. It was asserted that the bread tax, as it was called, put money into the pockets of the landowners, but he denied that—the extra price, if there were any, was returned again into the circulation of the country, and was expended in the purchase of other necessaries and luxuries. The bread tax, then, operated merely to change the direction of the employment of labour, and on that account it could not be fairly objected to. He contended that the advocates of the repeal of these laws had laid no ground before the House to show that the population had been materially altered in its nature and circumstances, by what was called the bread tax. He confessed that he did not wish to see the contented and happy agricultural population, which was spread over four-fifths of the country, changed into the squalid, agitated, uncertain, fluctuating, up and down condition of the manufacturing population who were dependent upon the success of commercial speculations, upon the winds, and in some instances, as in the case of the operatives employed by the hon. Member for Oldham, upon the benevolence of individuals. That hon. Member, than whom he believed there was not a more benevolent individual in the House, having opposed the Poor-laws, dismissed, as he had a right to do, all his labourers. The motive of the hon. Member might have been a good one, but that immense mass of persons would have been thrown into a state of utter destitution had it not been that the hon. Member was resolved that they should not suffer for the experiment which he was making. It might be shown that their commerce was not flourishing at all times, but they must prove that at all times, and under all circumstances, it was in a state of decay, before he could consent to a repeal of these laws. He was not there to contend that corn should be scarce, or bread dear; but dear bread was, after all but a relative term. Whatever might be said by the right hon. Gentleman, the President of the Board of Trade, with respect to these laws in producing fluctuations in price, he thought that a document, which had lately emanated from the Board of Trade, containing the average prices of corn in various places, was a sufficient answer to it. These statements must be taken in a general way; within certain limits of correctness; and it appeared from them that that country which was stated as being notoriously infamous for fluctuations in its prices more nearly approached uniformity of price than almost any other. He admitted that to this extent a case had been made out by the Anti-Corn-law party; they might aver it was unjust by any laws to distribute wealth to one class in preference to another; but, as a set off to that admission, he could not leave out of mind the consideration of the enormous mass of vested capital—of fixed capital, which had been irrevocably embarked in the cultivation of the soil, in consequence of the repeated Acts of Parliament which had been passed upon this subject. If the Corn-law was repealed, all that capital would be lost which it was intended should produce fruit, not for one year, but for fifty years, and there would be a great breach of faith with the existing generation. Not only would there be a vast extent of capital destroyed but an enormous mass of population would be thrown into a state of the greatest misery. They should also recollect that family settlements and arrangements had been made upon the faith of the existing law, and when they recollected what enormous confusion and injustice would be produced by a change of the law, they ought not to make any alteration, unless it was imperatively required. In 1815 there was a far greater outcry among the working classes than there was at present against the Corn-law, and he would venture to say, there had not been that distress which was predicted at that time. Another reason why he opposed any change in the existing law was, because he was convinced it would tend very materially to disturb the balance of the Constitution with reference to King, Lords, and Commons, and he thought that such a change would operate very prejudicially, in degrading the other branch of the Legislature. He knew it had been said, that if the Corn-laws were repealed, this country would place itself in the hands of Prussia, and Russia, and that the port of Dantzic and Odessa could easily be closed against them. He was not one of those who had joined in the cry against Russia—so far from treating Russia as our natural enemy, he thought we ought to cultivate every amicable arrangement with her; but he was not certain if the sort of language was indulged in, which had been held in that and the other House for a year or two, that Russia would not one day make them repent of the haughty language that had been held by their diplomatists. He would conclude by simply observing that, in his opinion, they ought not to place themselves at the mercy of any foreign potentates for food, which they would do if they made any alteration in the Corn-laws.

Mr. *R. Hyde Greg* said, it was scarcely possible to adduce any new argument in favour of the repeal of the Corn-law, and it appeared to him, from the determination expressed on the part of that small but very powerful body, the landed aristocracy of this country, that every argument would fail of effect, except it was the argument of agitation. He was afraid the repeal of the Corn-laws would be yielded to no other argument. That was the argument which carried the abolition of slavery, which carried the Reform Bill, and which carried Catholic Emancipation, and he had no doubt that by the time it was a little older it would be equally successful, and would effect a total repeal of the Corn-laws; but if there was one thing that would make it fail of success, it would be a proposition made in good faith and good spirit by the landed interest, to meet them by a compromise, and give them a moderate fixed duty, in which case he was confident disunion would be thrown into the ranks of the agitators, and their forces would be paralysed. It was not his intention to weary the House with detail as to the severe and prolonged suffering that has been experienced in the manufacturing districts; neither was it his intention to allude to the three years of constant loss in manufacture, during which time they had seen their capital gradually wasted away before their eyes. The manufacturers had never said, nor did the hon. Member for Wolverhampton, in advocating their cause, state that the whole of their distress was owing to the operation of the Corn-laws; but they did state that a very great portion of it was to be traced to that source; that if a repeal of the Corn-laws were to take place, there would be an abatement, if not a total cessation of that distress; and, finally, that the Corn-laws compromised the permanent prosperity of their manufactures. He would appeal to the admirable report of Dr. Bowring, in proof of these statements, whom he and others were anxious to have examined by the House, at their bar, about twelve months ago. In that admirable report would be found proof of these five facts:—1st. That very great increase of foreign manufactures, particularly in the countries connected by the Prussian League. 2ndly. The gradual exclusion of English manufactures from that union. 3rdly. That that exclusion was to be traced to the operation of our Corn-laws. 4thly. That the cure for those growing mischiefs would be found in the repeal of the Corn-laws. And, 5thly. That the Government of Prussia had expressed itself ready to enter into negotiations with this country the moment those laws were altered.

The report of Dr. Bowring stated that:—

> "The progress of the cotton manufacture in the states of the League is most striking, for the whole of the League imported a smaller quantity of foreign manufactured cotton in 1836 than Prussia alone imported in 1832. In 1829-31 the excess of cotton manufactures exported over the amount imported was only 6,272 cwt., while in 1836 the excess had increased more than elevenfold, being 70,766 cwt."

With respect to woollens, the report stated that:—

> "While the imports of woollens and woollen yarns have continued without any considerable fluctuation, but with rather a tendency to diminish, notwithstanding the increased population, the amount of exported woollens and yarns has been augmented in the proportion of seven to five, or forty per cent. In 1832 the difference between imported and exported woollens amounted to 32,613 cwt., while in 1836 the difference was 54,056 cwt., and in 1837 it was 49,967 cwt."

Farther on, Dr. Bowring said:—

> "The tariffs of Great Britain must be modified *pari passu* with the tariffs of the Commercial League. Such modifications are so obviously, so essentially, so permanently in the interest of the fifty millions of Britons and Germans, whom such modifications would bring more closely, and unite more firmly together, that I cannot but persuade myself that the Parliament and Government—looking on the one side to the dangers with which we are menaced by an enormous diminution of our trade, and, on the other, to the blessings which we may communicate by its large extension—I cannot but persuade myself that important changes will be cheerfully welcomed on both sides.

The master manufacturers had been accused of seeking the repeal of the Corn-law in order to reduce the wages of thei workmen, but that was not the fact. On the contrary, they did not believe that the repeal would have any such effect, for there would directly be an increased demand for manufactures. The landed interest claimed protection, or at least a portion of it; for he presumed that the mountain districts of Scotland, of Ireland, and of Wales, and the whole of the grazing districts of England, were not anxious, for that species of protection which was to be derived from the Corn-laws. It was only the owners of arable land who asked for them; but if protection were claimed for the land owners, he (Mr. Greg) also claimed protection for the 5,000,000 of persons not employed in agricultural pursuits but who were the great consumers of the produce of the land. He doubted, however, the efficacy of any system of protection that could be afforded in these matters. In his opinion, free competition was the only stimulus to the producer, and the only security to the consumer. "Give us a free trade in corn," said the hon. Gentleman, "and you will do more to stimulate and improve agriculture than anything that has been done for the last twenty years." It was said in defence of the existing system, that a high protection was afforded to the manufacture of silk. That was quite true. The manufacture of silk was highly protected; and, if what was true with respect to that particular branch of manufacture were true as respected all other branches, he should be prepared to admit that the agriculturist would have a claim to an equal amount of protection. But the greater part of the manufactures of this country enjoyed no protection whatever. Admitting, however that the agriculturist ought to possess a protection in the home market, equal to that enjoyed by the silk manufacturer—namely, to the extent of 30 per cent.—still he should contend that there ought to be a free trade in corn, and for this reason, that the charges upon importation alone amounted to 30 per cent., which would give to the agricultural interest as great a protection as that now enjoyed by the silk manufacture. The protection derived from the cost of importation was, in fact, the most valuable that any interest could possess. It was a protection that could not be taken away—a protection imposed by nature—a protection that no fiscal regulation could affect—no system of agitation destroy. With such a protection the agriculturist ought to be content. Every additional soul born in the country increased the value of the produce of the soil. This remark was not confined to wheat. Suppose we had 12,000,000 of people, who derived their bread alone from foreign corn, still they must have butcher's meat—still they must have the produce of the dairy—still they would require a hundred things with which the farmer alone could supply them. He maintained, then, that the agriculturist would fully participate in all the advantages enjoyed by the twelve millions in consequence of the absence of a system of Corn-laws, even though those twelve millions should not consume one quarter of British-grown wheat. One favourite argument against the free importation of foreign corn was, the impolicy of making any country dependent upon another for its supply of food. That was a specious but a very futile argument. He would make but one remark upon it. Supposing it to be a principle laid down by the State that the population of the country must be kept down so as not to exceed the supply of food that the land could yield—for that was the principle upon which the Corn-law rested. Then, he said, that the increased value given to land by the monopoly, so created ostensibly for the benefit of the state and of the whole population, belonged not to the landowners—not to any exclusive class—but to the state itself. If, by such a monopoly, the value of the produce of the land were increased by 20,000,000*l.* a-year, that 20,000,000*l.* might fairly be taken by the state from the landowners, and applied to the general uses of the nation. He held that to be incontrovertible. One observation as to the sliding scale. He believed it to have been infinitely more prejudicial to the country than a high fixed duty could have been. It was a clumsy expedient to obtain a foreign supply when the home growth was short, but it afforded no protection whatever to the consumer against badness of quality, as long as the quantity of the home-growth was abundant, and the price moderate. He begged to ask, whether these miserable laws were to be allowed to continue for ever? Was the population of the country to be for ever doomed to wrestle against the ills of her poverty, produced, not by the lack of labour, but by the dearness of food. Was the population, constantly increasing, to be made dependent for its sustenance upon the accidents of seasons? and when the season failed, was it to be left to the torture of a long convulsive struggle against the woes of famine, until at length the price of British-grown wheat attained the height at which the ports were opened to the produce of more fertile lands? Was this to be the case? or were the people to become wholly (as already they were too greatly) potato-fed? The population was increasing, and would continue to increase. How was it to be fed? This was a question that the Legislature could not long evade. Were a few thousands of landowners to say to 25,000,000 of consumers, "You shall for ever pay us a high price for bread." What right had these comparatively few to say to the whole manufacturing population of the kingdom, "As your numbers continue to increase in a proportion beyond the capability of the land to furnish you with an adequate supply of food, so shall you continue to pay us a higher price?" What right had they to say to the manufacturer, "Your market shall never be extended?" What right had they to say to the shipowners, "You shall never have an increase of customers?" What right had they to limit the food of the present generation—to deprive the people of their comforts, and to prevent millions from coming into existence? He would not trespass further upon the patience of the House than to declare that, in his opinion, these miserable laws aggravated the fluctuations in prices, rendered food artificially scarce, crippled our commerce, deranged our currency, and materially compromised the prosperity of our manufactures. He should vote, therefore, with the greatest pleasure in favour of the motion of the hon. Member for Wolverhampton.

Mr. *Ormsby Gore* said, that under the circumstances in which this question had been brought forward, he approached the consideration of it with very great regret; and he owned that this feeling was increased by what he had heard from many Gentlemen on the opposite side of the House, and even from some who had spoken from the Treasury bench. He regretted most deeply that the violence, the turbulence, the improper conduct of a small portion of the population should have been supported by the speeches of any of those Gentlemen who were Members of her Majesty's cabinet. The noble Lord, the Member for Shropshire (Lord Darlington) on the first night of the debate on this question, gave a very proper description of the paper — the authorised organ of what was called the Anti-Corn-law League in this country. He would not quote the words of the noble Lord, which he was satisfied must be still fresh in the recollection of every Gentleman who heard them; but he would go further, and quote the words of the paper itself. Were these words to be supported by a Cabinet Minister?

> "The accursed Corn-law must be repealed, it cannot be maintained." [*Cheers* !]

He was grateful for those cheers; they marked the spirit in which those who uttered them were disposed to treat the opinion last year expressed by that House, by a majority of two to one upon this question. But he proceeded with his quotation.

> "Murderers of the virtuous, the innocent, the unoffending! God in heaven, defend us! Christian men and brothers, petition. The devil's law must no longer be permitted to defile our Statute-book, and devastate our land."

Would the Gentlemen opposite cheer that? Well, he would go on.

> "Will the Legislature repeal it? Let them answer, and quickly, for whilst we write, our fellow-creatures die. The law must be, shall be, repealed."

Now, if such language were addressed to him upon a private subject, even though he might think it would admit of argument, he should say, " I will not enter into argument with you." It was not language to be addressed to any individual upon a private subject—it was not language to be addressed to a public assembly such as the House of Commons upon a public subject. But to revert to the question before the House. He was as anxious as any of the Gentlemen opposite could be, that prices should be steady and lower; but he maintained, that the Corn-laws were necessary to produce that result. At all events, they were more calculated to produce them than any proposition he had heard emanate from any of the Gentlemen on the Ministerial side of the House; and until he heard some better system supported than the present Corn-laws, he should certainly continue to give to those laws his strenuous and anxious support. He was aware that there might be defects in the laws as they at present stood. Let him but see a more effectual law proposed by a Member of influence in that House—let him but see it come forth recommended by a united Cabinet, and advanced upon their responsibility, and he pledged himself, let the Cabinet be composed of what materials it might, that if the measure they proposed appeared to him to be superior to the existing law, he would support it. He confessed that it did not appear to him to be impossible to amend the present law. Even within these few days he had seen a prospectus which he thought deserving of serious consideration. Having offered these preliminary observations, he should now proceed to grapple with some of the arguments advanced by the Gentlemen who supported the motion of the hon. Member for Wolverhampton. The hon. Member for Manchester (Mr. Greg) was mistaken when he said that the silk manufacture was the only one in the country which enjoyed protection. The cotton manufacture was protected to the extent of 20 per cent. The woollen manufacture to the extent of 20 per cent. Iron—some parts of it—upwards of 100 per cent.; glass between 20 and 30 per cent.; and pewter 20 per cent. Why, then, was the land to be the only great interest left without protection? He should now call the attention of the House to the effect produced on the price of corn by the present law, and the result would show that instead of increasing the price, the law rendered corn cheaper, and more steady in price than it was before there existed any such law. The average price of wheat, for the last twelve years, was 56*s*. a-quarter—the average for the twelve years immediately preceding was 65*s*., and the average for the twelve years before that was 84*s*. Reference had been made to the opinions of Mr. Huskisson; he would also quote that statesman's opinion upon this very question. Mr. Huskisson was known to have been, as it were, the father of the free-trade principle, and yet what was it that he said with regard to a free-trade in corn?

> "Let us," said he, "have free-trade, but let the last thing you make free be the production of the land."

In a letter written by him on the 28th of May, 1814, Mr. Huskisson observed—

> "The history of the country for the last 170 years, clearly proves, on the one hand, that cheapness produced by foreign imports is generally the forerunner of scarcity, and, on the other hand, that a steady home supply is the only safe foundation of steady and moderate prices."

Was not Mr. Huskisson borne out by the state of the averages for the last thirty-six years? He had received a communication from a gentleman, inclosing to him a letter containing the opinion of a very extensive farmer, who, during the last forty years, had expended from 8,000*l*. to 10,000*l*. in making improvements on his farm, which he held under lease for nineteen years. That gentleman set forth the dreadful fear under which he laboured, that the Legislature might be induced by the agitation that was existing to give up the protection of the present Corn-laws, under which protection he took his lease—under which protection he expended his money, and under which protection he was now reaping the advantages of that expenditure. He observed—

> "It is not sufficient for me that I should be reimbursed what I have laid out upon this land! No; I did it on speculative views, and the Legislature cannot think of repealing the Corn-laws without granting the landlords and farmers some equivalent like as it did to the slave owners of the West Indies."

This was the opinion of a practical farmer in Ross-shire; so that these opinions extended even to the extreme north of the kingdom, and were not confined to England. The hon. Member for Wolverhampton made a statement respecting the rate of wages paid to a Wiltshire agricultural labourer, which he confessed was the most extraordinary he had ever heard in his life. The hon. Gentleman stated that there were individuals in Wiltshire who only received 6*s*. and 6*s*. 6*d*. a-week for their labour. He never was more astonished in his existence, when he heard that statement. Surely, it must be under very local and peculiar circumstances that such a fact existed. It was impossible to be the general rate of wages of the agricultural labourers there. He understood that the wages there varied from 10*s*. to 12*s*. Having a large tract of land in that county himself, he could state that he gave 11*s*. a week to his waggoner, and 10*s*. to the common day labourer. He was happy to see his hon. Friend the Member for Wiltshire (Mr. Benett) enter the House, because perhaps, he would be able to give an explanation of the circumstance. They were told that if they threw open their ports to the continent, and let foreign corn come in free, we should be able to become the workshop of the whole world. But those hon. Gentlemen who fancied this must also fancy that they could make laws for all the world. Frequent reference had been made to the opinions of Dr. Bowring on the subject of free trade. Now, he should like to open the eyes of a few gentlemen as to the authority of Dr. Bowring. That gentleman had made a voluminous report, very much in favour of sending our manufactures to foreign markets. But what said the *Augsburg Gazette* in reference to this subject? In that paper of the 28th of December, 1839, it was obobserved:—

> "That Dr. Bowring was endeavouring to persuade the respectable manufacturers of Leeds and Manchester, and indeed cousin John Bull, of the very great advantages that were likely to be derived from his mission to Berlin. As Dr. Bowring's speeches had found their way into the German papers, it could not be deemed unnecessary to form a judgment on them. Dr. Bowring deceived himself very much if it were his belief that the Germans desired no better fortune than to be allowed to export corn to England, receiving in return British manufactures. Some few landlords on the lower Elbe, and on the furthest borders of the Baltic, might cherish such hopes and wishes; but it could hardly have escaped so keen an observer as Dr. Bowring, that since the commercial league had been established the national spirit in Germany had gained a giant's strength; that a great regard for advancing the industrial position of Germany, in a national point of view, was entertained, and it was believed that great advantages would be derived from the league in a few years. Dr. Bowring had often explained the weight and import of a certain phrase, which,

if it had not yet, would soon become the watch-word in Germany, that phrase was 'commercial independence.'"

These were the opinions of public writers in Germany, as to the importance, to them, of a home manufacture; and what was it they had done in pursuance of those opinions? They were already affording protection to their infant manufactures by prohibiting the import of sheet and hoop iron. It was said, that the British manufacturer would be able to manufacture articles much cheaper if they could obtain cheap corn, but would hon. Gentlemen be kind enough to recollect what was the result of the distress which existed in this country in the year 1818? Would they be kind enough to recollect that the King of Prussia put a duty upon the exportation of corn to this country? and not only so, but the King of Prussia made this remark:—

> "Our duty must increase or must diminish, according to the wants of the British nation."

Now, how could this country legislate and control the King of Prussia? If they threw a great portion of the land of this country out of cultivation, they must be dependent to a certain extent upon foreign importation. If so, and a bad season came, and they should want an excessive influx of corn, what would be their situation? They would either have a starving population, or else have to pay an enormous duty to foreigners. There was another point he wished to notice, namely, that protection had never yet been taken off any agricultural produce without its becoming the cause of raising the price of that produce. He would take for instance rape. When the duty on rape was 20*l.* a last, its price was 27*l.* and 28*l.* a last: but when the duty was reduced to 10*l.*, then the price fell for a short time down to 16*l.* a last, but it ultimately rose to 40*l.* a last. The same effect was produced with respect to clover-seed; and he might affirm the same with regard to every other article of agricultural produce. He would next point the attention of the House to the effect which the abolition of a protecting duty would have upon the condition of the people of this country. He would state this general proposition—that the manufacturers and agriculturists must rise or fall together. Their interests were so linked together, that if one were depressed the other must be. Let them look at the history of the prices in their markets, and they would see, that if the manufacturers were depressed, the agriculturists had no market for their grain, and if the agriculturists were depressed, and could not cultivate their land, the manufacturers were distressed beyond measure. It was obvious, therefore, that the manufacturing population had no interest whatever in seeing the protecting duty on corn abolished. Nor did they in fact call for any such measure. It was only the cry of a few interested individuals that had stirred up the minds of those who would not take the trouble of looking deeply into the question themselves, and who were the sole cause of that shameful, and he would say, to England, disgraceful agitation that had taken place on this subject. He did call it disgraceful to bring with such urgency, he might almost say (looking at what had taken place at some meetings in the country), brute force to bear upon a question that ought to be discussed upon the closest and soundest reasoning. So far from the leading agriculturists pursuing a course of agitation when the malt-tax existed, and its repeal was called for, they did all in their power to discountenance any violent proceedings on the part of the great body to which they belonged. The noble Lord the Secretary for Ireland had expressed an opinion in favour of a fixed duty. Now he (Mr. O. Gore) looked upon a fixed duty to be a humbug. The proposition for a fixed duty was practising deception on the people. It would afford no protection of any sort or kind, and sooner than accede to a fixed duty, he would resort at once to a total and entire abolition. Hon. Gentlemen should bear this fact in mind, that if they threw a large portion of the poorer and middling lands out of cultivation, thousands of agricultural labourers would be unemployed, and those farmers who held rich soils, and continued them in cultivation, would not be able to support them. The strong and hardy peasantry would first be driven to the towns, and lastly to the workhouses, where they would sicken and die. Now, suppose in such a state of things this country were to go to war, from what portion of the population would the Government recruit their army? His right hon. and gallant Friend opposite (Sir Hussey Vivian) had on a former occasion stated that when they wanted recruits in a hurry they sent to the manufacturing districts. There was no doubt about it; but that gallant general was well replied to by a departed friend of his, as gallant a man as ever stood (to use a soldier's phrase) in shoe leather. He would not attempt to use his late friend's words, but the brunt of his argument was, that whenever the army received recruits, the officer whose department it was to examine them was obliged to refuse five out of every ten of those who came from the manufacturing districts, while he would not reject above one out of even ten of those who came from the agricultural districts. But if they threw the agricultural labourer out of employment where would they find men able and strong, and willing to stand by them in the hour of peril? The poet had most beautifully and truly said—

> "Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay;
> Princes and lords may flourish and may fade,
> A breath can make them as a breath has made.
> But a bold peasantry, their country's pride,
> When once destroyed can never be supplied."

He would now for a moment look to Ireland and call the attention of the House to the effect which the repeal of the corn-laws would have upon that country. Ireland exported to Great Britain in 1801-2, 108,000; 1811-12, 273,000; 1821-22, 1,032,000; 1831-32, 1,281,000 quarters of wheat and flour. Mark the gradual increase in this:—from 108,000 quarters in 1801-2, to 1,281,000 in 1831-32. The total of grain exported from Ireland was:—in 1801-2, 461,781; 1811-12, 995,000; 1821-22, 1,008,000; 1831-32, 5,000,000 qrs. Thus it appears that Ireland exported to this country nearly one-seventh of the whole of the grain brought to the English markets; and yet hon. Gentlemen pretended that it would be beneficial to Ireland if they were to throw open those markets to all the other nations of the world. Could anything be more unjust to Ireland than the adoption of a proposition like that? It was estimated that there were 28,359 families employed to raise the quantity of grain which was sent from Ireland annually to England and Scotland. He would ask the hon. Gentlemen opposite what they intended to do with those 28,359 families? "We have heard a great deal said the hon. Member, about 'justice to Ireland,' but I am sorry to say that those by whom the phrase 'justice to Ireland' is most frequently uttered, are very often most unjust towards that country. Oh, Sir, Ireland is poor, she is unfortunate, she is misguided, she is misgoverned. She is a country rich in her soil, rich in her climate, but I am sorry to say she is also a country where loyalty is a crime, and where agitation is a virtue." But what did a Roman Catholic prelate, the Archbishop of Tuam, say with regard to the employment of the Irish? It was employment he said that they wanted, and if the labourers were employed in working the mines and in bringing forth that wealth which was hidden in the uncultivated land, it would provide for the existing distress. They had already taken away the woollen manufacture, and if they now took away the employment arising from the corn-tillage, they would drive the inhabitants to become the inmates of the workhouses. Ireland sent into that House such a majority as swayed the House upon most occasions, and he hoped that it would afford a majority that would equally sway it upon this question. And here he would have concluded if her Majesty's Ministers had not made this an open question. On what ground her Majesty's cabinet Ministers could have made this an open question he could not conceive. He would as soon have expected that the question of peace or war, or the question of monarchy or democracy, would have been made an open question, as one of so much importance to the welfare of the people of this country and to the position which we hold among the nations of the earth. Was it done to increase their respectability or their name in the country? Was it to increase the finances of the country? Why, when upon this question the leading member of the government decidedly objected to any step, when he declared last year in Parliament that it was madness to contemplate a change, did his colleagues in the face of that madness make this an open question? Surely it could not be that they could form an united cabinet with the two leaders, and the able men that sat around them; or was it that they really wished to attach themselves to that party in the House that scoffed at them—that treated them with contempt, and that treated them, as they said, as made of squeezable materials? He was not attached by any selfish motive, or by other than the ties of an union of sentiment to the Gentlemen below him; and, indeed, if he had met with neglect from any one it was from some of the heads of that party. On this question, especially, he thought with the Gentlemen around him, and he opposed the Gentlemen opposite, not from factious motives, but because he would oppose even those now on his side, if they should succeed to office, and should not make the resistance to such a motion a cabinet measure.

Mr. *J. Benett* remarked, that the hon. Member for Wolverhampton had said, that wages in the county of Wilts were 6*s*., or at most 6*s*. 6*d*. a week, but such a statement was perfectly incorrect.

> "In the southern part of that county," said the hon. Member for Wolverhampton, "wages were 6*s*. a week. The case occurred before the bench of petty sessions, held at Durnford, near Salisbury. One Blake, a labourer, appeared, and having stated, that he had been used to work on the stem at 6*s*. to 6*s*. 6*d*. a week, the bench ordered the defendant (the farmer in whose employ Blake was) to pay him 6*s*. 6*d*. a week, and further ordered him to indemnify Blake for the expenses of attendance."

That statement might be quite correct, but the inferences which the hon. Member drew from it were not justified by the facts. All that the statement proved was, that a man named Blake, of whom they knew nothing, and who might be a most inferior labourer, working for different masters, had 6*s*. or 6*s*. 6*d*. a week; but how did that fact justify the hon. Member's assertion that such were the wages paid to the whole body of agricultural labourers? And he contended that there was no such thing in Wiltshire as farmers meeting in vestry to establish a given rate of wages at 6*s*. for any district; they never did any such foolish thing. If it could be proved that they did such an act, he would give up the Wiltshire farmers, and what was more, he would give up the defence of the Corn-laws. When hon. Members made these statements they had them on the authority of persons who did not go to the industrious labourer for information, but to the idle and dissolute. Wages, in Wiltshire, he admitted, were, some time last year, as low as 8*s*.; he did not assert that such wages were sufficient, or that he did not wish they were higher; he did wish that the wages were much higher, and he wished also that the labourers could have those luxuries which they formerly had, and to which he thought they were entitled, their beer and their tobacco; those luxuries, however, they could not have because of the high state of taxation. But although some labourers in Wiltshire did receive only 8*s*. a week last year, yet the labourers generally had, for some time, received 9*s*. a week. His hon. Friend had spoken of another parish in Wilts; the parish of Rushall.

> "There," said the hon. Member, "they were large farmers, and the land was arable. The highest wages that were given to able-bodied labourers were 9*s*. a week. Many had this, but there was this distinction made, that those without families, though they were equally able-bodied with the others, only received 5*s*. a week. Now, either the labour of an able-bodied labourer was worth 5*s*. or 9*s*.; if he was worth only 5*s*., then the difference between 5*s*. to the unmarried, and 9*s*. to the married, must be considered as parish allowance."

He admitted, that there was no difference between the work that could be done by a married or unmarried labourer. A man with a family, undoubtedly, could not do more work than an unmarried man; but why did not the great lubberly man who only got 5*s*. a week go upon the railroads, where there was a demand for their labour, and where the rate of wages was 18*s*. a week? If they did not, they evidently had other means of livelihood, and other advantages in their present position, otherwise they assuredly would not stay there. No blame, then, could be thrown upon the employers, for they naturally gave as little as they could for anything they purchased, whether they bought labour or manufactures. If the hon. Member for Wolverhampton would come into Wiltshire, he would show him into the cottages of the labourers that he said were in such distress, and he would show him also the pigs in the sties and the well-stocked gardens; and then let the hon. Member go into the manufacturing districts and see whether he could find the same amount of comparative comfort. Still he was ready to admit that there was distress in the manufacturing districts—but what was the cause? His hon. Friend said, that the cause was to be found in the Corn-laws. That he denied; and he said distinctly, that the Corn-laws had nothing to do with the distress in the manufacturing districts. He remembered when those who opposed the Corn-laws opposed them on very different grounds to what they now took—they then opposed them because they wished to lower wages; now, however, they contended that they did not wish to lower wages, but to have a free exchange with other countries. He thought that the wages now were not sufficiently high, but Gentlemen did once contend that it was necessary to reduce wages, to enable them to compete with foreign manufacture. His hon. Friends behind him, too, even now expressed their wish to protect agriculture; he thanked them for their wish, but the agriculturist wanted none of their assistance; they were quite able to take care of themselves. But what did hon. Members really mean? did they mean to reduce the price of corn? did they wish thereby to reduce the rate of wages? If they did make such a reduction, what would be the effect? They said, that the agricultural labourers were in distress, and yet they would reduce the price of corn, that they might reduce these wages already too low. They had not heard one word of any cause for the manufacturing distress, except the Corn-laws. He admitted the distress, and he had foretold twenty-five years ago in that House that the manufactures, and particularly the cotton manufacture, would be distressed. From the moment that peace was established the coming distress was evident to him, for the continental states that had depended upon us for their supply of cotton, and other goods, because there was no security for machinery, would soon find that security, and would, therefore, soon rival us. The fact was, that our manufactures had been encroached upon for a series of years, and we were now deprived of more through the policy of other countries. The cotton trade must leave this country, so far as supplying foreign countries, as certainly as we should be able to prosper without it. This was the cause of the present distress, and he did not think that the repeal of the Corn-laws would benefit the master manufacturers. He was sure that their workmen would not be benefited, while it would create as much distress among the agricultural labourers as was now existing among the manufacturing workmen. Now it appeared that all these gentlemen were free traders. He was not to be deceived by that assertion, for he recollected them as the friends of protection. He remembered well their arguments against free trade, but if they were honest in their present argument, why did they not come down and ask for a free trade first? Let them try on themselves their own experiment, and then let them come to him and his Friends for a repeal of the Corn-laws. In the one case no great injury would arise from a failure: in the other, the injury might be great. It was very dangerous to tamper with corn. He did not like to use figures, for he knew that figures might be made to prove anything, and he would, therefore, take only such as had been referred to by his hon. Friend, and they would be found sufficient to reply to the hon. Member's argument. The hon. Member quoted Mr. Wilson, and said that one-sixth less corn was sown in 1836 than in 1826, and the consequence was, that there was a deficiency in the harvest of 1838, and no wonder. Now, let them see what this deficient harvest was by Mr. Wilson's own showing. Mr. Wilson also told them what amount of corn had been imported during the last six years. He gave the cost, not the quantity of the corn consumed and imported; that was his ingenious way of putting the question. He said, that in 1834, the total cost of wheat was 36,933,333*l.*, while the total cost of foreign wheat was 101,750*l.*; in 1835, the total cost of wheat was 31,400,000*l.*, and of the latter 34,654*l.*; in 1836, of the former 38,800,000*l.*, while of the latter 51,177*l.*; in 1837, 44,666,000*l.*, and of the latter 499,430*l.*; in 1838, 51,666,000*l.*, and of the latter 4,594,014*l.*; in 1839, 56,533,000*l.*, and the latter 7,515,800*l.* The importation of foreign corn in 1838, therefore, was only one-twelfth of the consumption; and in 1839, when the greatest importation took place, it was only three-seventeenths. The greatest exertions were made in 1839 to get imported corn, and yet they could only get three-seventeenths of the whole consumption; and if a check to the extent of one-sixth, as it was said by Mr. Wilson, had been given, it could not be always supplied; and it had not been supplied in the year of what he called the deficient harvest of 1838? What, then, would be the effect of a repeal of the Corn-laws? It would be to check the growth of corn at least one-fourth; and the consequence would be, that there would be a famine in this country, and there would be high prices. The repeal would not lower the price, but it would check production so much that there would be a high price, which would injure the labourers and produce great mischief to all parties. It must be recollected what were the vast interests connected with the land. It was not merely the 13,000 landowners, who might perhaps all be ruined without effecting any great injury, if their ruin affected themselves alone; but were there no persons dependent upon the landowners of England? Had they not the country shopkeepers and traders, and artisans—a very numerous and powerful body? Had they not, also, the agricultural labourers, who, though now in distress, would under the repeal of the Corn-laws become worse and worse, till they were in as bad a position as the manufacturing workmen? Mr. Wilson said again that the average price of wheat for the last seven years had been 52*s.*, including the very high price of two years. What, then, did hon. Gentlemen ask? Were they not satisfied with this price? Did the manufacturers wish to have a lower price? Could they reasonably expect a less price with a repeal of the Corn-laws? He contended that they would not have so low an average price. They might have as low a price for one year, but they would stop cultivation, and the next year there would be a chance of famine. If the farmers had no security for a return of their money, they would not sow wheat. He recollected when Mr. Ricardo was in that House, he laid it down as very bad economy in this country to force poor lands into cultivation, and he contended that, without forcing corn at an enormous price, they could not feed the people; and hon. Gentlemen behind him echoed the opinion; but the document he had quoted from Mr. Wilson showed that they had fed the people, for five years out of seven, without importation. Mr. Ricardo had made his assertion without calculating the increase of population. They had, however, fed the population at the low price of 52*s.* a quarter, notwithstanding the advance of population that had gone on for five years, through the improvements which had taken place in agriculture. Those gentlemen who were not farmers did not know the meaning of the term they employed, poor lands," for what was poor one day might be rich the next. The use of the sub-soil plough and other improvements had made what was once poor land, rich land. They had increased the fee simple of England and Ireland, and what was that increase but a making a permanent property in this country that would assist in bearing taxation? What had been done with respect to manufactures? Fourteen new factories had been built during the last year, notwithstanding the distress that was said to exist; but the moment the trade should fail, the factories were of no use, and the buildings might tumble down. Improvements in land, therefore, were more durable, and of greater paramount advantage to the country than the extension of manufactures. He entertained a great respect for the manufacturers, but when they told him of their declining prosperity, and of a starving people, and when at the same time he saw them daily getting rich, and buying the landed property of the country, whilst his neighbours were fast disappearing, he could hardly place implicit credit in their statements. That their workmen were distressed he could believe very well. If the Legislature were to repeal the Corn-laws, the effect might be to push our manufactures for foreign sale to a great extent; but the evil by that means, which already existed, would be still further increased. He wished, therefore, to impress on the House the fact, that during peace they could not hope to force their manufactures upon the whole world, and that such a course would have no other end but to extend and increase the misery which already existed. He contended that we were still an agricultural nation, and that we were still in a position to be independent of other countries for food. Our population was rapidly increasing—a circumstance which we owed to manufacture; but he said that so long as the improvement in the mode of production of food continued, notwithstanding the increased population, food enough would be obtained to maintain us, independently of all foreign countries. A time might come, he admitted, when, in our isolated position, we might not be able to raise sufficient food, but when that period arrived it would be soon enough to take measures to meet the evil. He conjured all his Friends, both agricultural and manufacturing, who were attached to their country, to pause before they attempted to make any alteration in the Corn-laws until some necessity arose. With regard to the question of going into committee, if he thought that the discussion which would take place would be conducted in a fair and open spirit, and not according to pre-arranged determination, he believed that he should have nothing to fear; but under existing circumstances, he thought that it was impossible to adopt the motion with any good effect. In conclusion, he begged to express a sincere hope that the House would consider the continuance of the existing Corn-laws essential to the protection not only of the landed, but of the manufacturing proprietors.

Mr. *G. Wilbraham* said, that this question had hitherto been argued with reference to two great interests—the agricultural interest at one side, and the manufacturing interest at the other Although he might be justified in grounding his vote upon the well-known opinions of his constituents, whose opinions he represented, and whose interests he was bound to defend, still he would not confine himself to any narrow ground, but would ground his vote on what he considered to be the interest of the community at large. He felt bound to vote against the present motion, but he denied that, in taking this course, he was acting adverse to the interests of the community. He denied that he was influenced by any desire to keep up a high price for corn; but if, by the vote of this House, all protection was taken away from agriculture, when a year of scarcity came what would be the result? He was ready to allow that a repeal of the Corn-laws would, in the first instance, give a stimulus to manufactures, and that employment and wages would be increased for a time. But he contended, that this state of things would not long continue, and that the working classes would find their wages reduced in proportion to the reduction in the price of corn. Whenever a year of scarcity should come, he should be glad to know where they were then to look for a supply of corn, or from what portion of the world they could expect a sufficient supply to feed the people of this country? Those countries on which they were told they might rely, were situated in nearly the same latitude as this country, and it was to be supposed that the same causes that would produce scarcity here might produce the same result there. If hon. Members would look on the map, they would see in how few degrees of latitude different from us those countries were situated on which the advocates of free trade in corn told them they were to rely as the great granary of this country. He remembered that, in 1799, this nation was almost reduced to a state of starvation. Every part of the globe was resorted to for a supply, and bounties were offered for the introduction, not only of corn, but of rice into this country. Now, at the time when this occurred, there was little or no protection to our home productions. What would be the results in case of a war breaking out? And had we been so long at peace that we were never to expect the breaking out of war? He sincerely hoped that such a contingency might be remote, but the present state of our foreign relations showed the inconvenience that might arise from this country, in any respect, becoming dependent on a foreign supply. It had been said by an hon. Member, that this country was not well adapted to the growth of corn. Now, he would venture to assert, not that there was no country in the world so well adapted to the growth of corn, but that there was no country in the world where better corn was grown than in England. It had been stated, that the object of the present laws was to produce steadiness of price in corn. He admitted that they had not produced that effect; and though they might not have produced fluctuations, still they had not prevented fluctuations. There was another point to which he would advert, namely, the adoption of a fixed duty. Now if, about twenty-five years ago they had adopted a fixed duty, it might have answered well enough. If, at the end of the war, they had adopted a fixed duty of ten or twelve shillings, and had, at the same time, consented to a considerable diminution in the timber duty, the result would no doubt have been advantageous to the country. But if they had acted with bad policy in having thrown branches of their manufactures into the hands of other countries—if they had then acted imprudently, it should warn them to avoid a similar imprudence now. They had, by former imprudence, made other nations great manufacturers, and if, by similar imprudence, they made them great agriculturists, on what was the greatness of this country to depend? He claimed for the agricultural interest only that protection which was necessary to continue the present extent of agriculture. With respect to a fixed duty, much would depend upon its amount. He begged to state, in conclusion, that he felt bound to give to the present motion his sincere opposition.

Mr. *J. Parker* had several times given a silent vote on this subject, but felt desirous, on the present occasion to offer a few observations to the House. He wished, before proceeding further, to refer to some observations that had fallen from the hon. Member for Norfolk. That hon. Member had referred to a conversation that he had had with him (Mr. Parker), and which appeared to have excited the displeasure of that hon. Member. Now he (Mr. Parker) felt bound to say, that nothing could have been farther from his intention than to have given offence to the hon. Member. The hon. Member for Shropshire had charged his right hon. Friend, the President of the Board of Trade, with a declaration which he had made with respect to this question. His right hon. Friend, confiding in the truth of his views, had, with the sincerity that belonged to him, expressed his hope that those who advocated this question would not be discouraged by defeat from prosecuting their views. He thought that, entertaining the opinions which his right hon. Friend did, he would have shrank from his duty if he had hesitated to declare his opinion. The hon. Member for Shropshire had made it a charge against the Government that they were not an united Cabinet with respect to this question. Now, was this the first time that an open question had been brought forward? The hon. Member had said, that he would never support any Government which did not resist this question as an united Cabinet. But had the hon. Member read speeches that had been delivered in Manchester by a right hon. Baronet, and in other parts of England by other hon. Gentlemen? If he had, the hon. Member must see that the time might come, when the taun the had thrown out might apply to his own friends. He wished, he said, to draw the attention of the House to the position in which Sheffield stood as regarded this question. That town was, perhaps, more strongly affected in its trade by the Corn-laws than any other, and its position exhibited phenomena which called imperiously for some alteration in the existing law. He did not mean to say that the Corn-laws were the sole cause of the present depression of the trade of Sheffield, but the effect of those laws was almost wholly to preclude that town from the very large trade which they would otherwise carry on with the United States. This being a motion for inquiry only, he certainly thought that the manufacturing interest were entitled to have it acceded to. Some system of duties might, he was convinced, be adopted, which would give the country satisfaction without putting the landed interest in any disadvantageous position. Hon. Gentlemen opposite seemed to infer that the landed interest were exclusively ranged on the side of the supporters of the Corn-laws; but he must remind them that there were landowners on that side of the House—nay, even the very flower of the English aristocracy—who did not view the proposition of a modification of the present law with anything like the alarm entertained upon the subject by the hon. Member for Retford and other Gentlemen opposite. The time was now come for the House seriously to consider whether the existing system of Corn-laws could be maintained consistently with a just attention to the interests of the manufacturers. The manufacturers did not desire to have any unfair protection. They did not want any bounty to the prejudice of other interests, but, at the same time, they did think that the agriculturists ought not to have any unfair protection. All they wanted was full scope and fair play. If hon. Members opposite would only consent to alter these oppressive laws, they would restore millions who were now discontented to their loyalty, because, by so doing, they would remove the evils under which those millions now groaned. It struck him that there were periods in the history of a nation when it became the duty of those entrusted with its legislation to turn their attention to questions of such importance as the present. He thought that that period had now arrived in this country. He begged not to be misunderstood; he did not allude to any political change. He thought that this country had arrived at such a stage of commercial progress that manufacturers must either be still allowed to increase, and to become the best consumers for home produce, or else measures should be taken to prevent their further increase. He thought that the way to consult the best interests of the country would be to facilitate the increase of her manufactures, as by so doing, we should be increasing her wealth, her prosperity, and her strength.

Sir *Robert Peel* said, the hon. Gentleman had, he thought, mistaken the intention of those on that (the Conservative) side of the House, who had indicated by a cordial cheer their sincere approbation of the sentiment expressed by him, and he must say he regretted to perceive that the hon. Gentleman, when he uttered that sentiment, appeared so totally unconscious of the appropriateness of it. The hon. Gentleman seemed to think that the cheer meant to convey some kind of taunt or imputation on him, for having referred to a dissolution or some other political event, and he said that he thought the period was arrived when those who were entrusted with the functions of legislation and government ought seriously to consider this question—that there was a great anxiety in the public mind on the subject—that great doubt and anxiety pervaded the public mind; and then, again, the hon. Member said, that a period was arrived when those who were responsible for the conduct of the Government and of legislation, should seriously apply themselves to this question—that if they preferred the maintenance of the existing law, they should state their determination accordingly—that if they were in favour of the repeal of the Corn-laws, that then they should compose the agitation of the country by sending forth a measure of repeal; and that if they were in favour of modification, then that they should, as a Government, prescribe the limit and extent of that modification, and convey to the country the impression that the Government were united upon that great question, which was now becoming more and more environed by practical difficulties, increased by the apparent discordance of the most important Members of the Government. The hon. Gentleman's remark was perfectly just—so much so, as almost to lead to the inference that the hon. Member was reading an intentional lecture to his right hon. Friends around him—that he meant to convey a covert satire on their indecision and vacillation, and to teach them the important truth that a period had arrived when those entrusted with the functions of Government ought to speak some common language on this subject. For how much did it increase the difficulties of this question when the right hon. Gentleman the President of the Board of Trade declared it to be his fixed opinion that it was absolutely necessary to the increase of our exports of manufactures to the continent that we should take the corn grown on the continent; and when almost on the same day, the First Lord of the Treasury said, "Alter the Corn-laws if you please, but foreign countries will not be induced by it to take your manufactures in greater quantities." Why, when the head of the Treasury department entertained and avowed these opinions, and when the head of the commercial department entertained and avowed opinions that were directly the opposite, was it to be matter of surprise that agitation should have greatly increased, and that the practical difficulties attending the question should have been greatly aggravated. And this it was that caused the sentiments expressed by the hon. Gentleman opposite to have been received with such cordial approbation on that side of the House. His wish was to discuss this great question in no other temper than that which was befitting its great and its extraordinary merits; but, while he did so, he could not but refer to the unfair, to the unworthy artifices that had been resorted to for stirring up the passions of the multitude, and of exciting their temper; but, while he did this, he at the same time, would not identify with such unworthy advocates of the cause, the great manufacturing interests of the country. He was not one who would depreciate either their numbers or their importance, and he would say, that no indignation that arose in his mind against those who, instead of promoting, were, he believed really injuring their own cause—he would say, that no indignation with regard to them should prevent him from giving to a subject connected with the subsistence of the people, and affecting the permanent and most vital interests of the country, that calm and that serious deliberation to which it was so fully entitled. He thought, then, that the best course that he could pursue for the purpose of limiting, as far as he possibly could, the observations with which he meant to trouble the House, would be to consider the main arguments which had been chiefly relied upon by those who had addressed them in favour of a repeal of the Corn-laws. He wished to evade nothing; but at the same time, to follow out the desultory details of a discussion which had now continued for three nights, would certainly lead him into arguments beyond the limits which he had prescribed to himself. He wished to state, in the first instance, what it was that he considered to be the main arguments—and he could only say, that if any one suggested to him that he was giving an unfair summary of the arguments, he was perfectly ready to correct it, and to add what to others might appear to be an argument of primary importance. But he thought that he did not state the arguments unfairly when he represented the sense and purport of them to be this. First, that the operation of the existing Corn-laws had led to a great drain of bullion from the Bank, and that a material derangement of the currency took place in consequence in the years 1838 and 1839. Second, that there had been a great fluctuation in the price of corn, caused by the operation of the Corn-laws, deranging commercial speculations, the varying price of grain having a tendency to derange the manufacturing interest. And, third, that the experience of the last year had shown a great depreciation of the manufacturing interest of this country; that there had been a great decline of internal consumption, and a great depreciation of the manufacturing interest and that the decline in internal consumption, and the depreciation of the manufacturing interest, were to be attributed to the operation of the Corn-laws. He thought that he had thus stated fairly the three leading arguments which were mainly relied upon against the present Corn-laws. And now, first, with respect to the derangement of the monetary system of the country, and the drain of gold, and that drain being attributed to the Corn-laws—that a sudden demand for corn had led to an immense importation, and that in consequence of the suddenness of the demand there was no corresponding export of manufactured articles; that the corn imported had necessarily to be paid for in gold, and that the stock of gold in the Bank must necessarily be exhausted. They could not deny that there was a derangement in the course of the years 1838 and 1839; but, then, when it was assumed that the Corn-laws must necessarily be the cause, be denied that inference. He denied that the Corn-laws had caused all this—that they caused that demand for corn which necessarily led to a derangement of the monetary system and a drain on the specie in the Bank. In the first place, the same derangement took place in other countries, where it was impossible that this cause could have operated. The same derangement took place in France. There had been the same derangement in the monetary system; and there had been the same drain for bullion, which involved necessarily a suspension of cash payments in the United States, under circumstances which showed that it was perfectly impossible that it could be attributed to any cause like the operation of the Corn-laws. It was perfectly plain that those derangements might take place from other causes than the operation of the Corn-laws and the suddenness of a demand for corn. He said that there had been the very same derangements in this country when it was utterly impossible that the Corn-laws could have affected them. In 1825 there had been a great derangement of the monetary system—there had been a great drain of bullion and this country then appeared to be on the eve of suspending cash payments. He was one of those who at that time advised the bank to pay away every portion of its bullion (to its last shilling) before it suspended cash payments. Nothing, in his opinion, could be more destructive to the Bank than the suspension of cash payments, and in his opinion there would have been less of panic by the bank endeavouring to the very utmost to fulfil its obligations. Such was the condition of the country in 1825, when the state of bullion in the Bank led to the greatest alarm. Now, in 1825, it was utterly impossible that the operation of the Corn-laws could have contributed to produce the drain he had spoken of. In 1825 there was no import of foreign corn which could have produced that drain. In 1823, in 1824, and in 1825, the whole amount of foreign wheat imported was 200,000 quarters; and yet it was during that period that the currency had been greatly deranged, and that the drain of specie had arisen. The causes were quite unconnected with the operation of the Corn-law. In 1836 there was the same derangement of the monetary system, and there had been a great drain of specie. In 1836 the drain of bullion was this:—From July, 1836, to December in the same year, the bullion in the Bank had diminished from 7,362,000*l.* to 4,545,000*l.* Could the Corn-laws have caused that drain? In 1836, there had been no import of foreign corn whatever. In 1833, 1834, and 1835, the total and entire consumption of foreign corn was not 200,000 quarters. The Corn-laws had no operation whatever, and yet there had been a great derangement of the currency, and a great drain of specie. He pushed that argument no further than this—that it could not be asserted with certainty that the Corn-laws caused the late derangement, because he had shown that the same derangement had happened in countries wherein the Corn-laws could not have produced that derangement, and that it did happen in this country so recently as the years 1835 and 1836, when the Corn-laws had nothing to do either with causing a derangement of the currency or a drain of specie. But then it must be admitted that in the years 1838 and 1839, there were three concurrent events—there was the derangement in the currency, there was the drain of specie, and there was an immense import of foreign coin; and it was possible that the Corn-laws—he said it was possible that the Corn-laws might have been the cause, in this instance, of that which was attributed in former periods to other causes. He said that it was possible—he knew that it was very easy to assume that they must be the cause. He would be glad that hon. Gentlemen who cheered would prove it. He had heard many in this debate make assertions which they had put forward in former debates, but he did not think that he had heard arguments from them, and, therefore, he was anxious to have heard from them something like argument, rather than an inarticulate cheer, as if that could carry conviction to intelligent minds. That the operation of the Corn-laws might have some effect upon the currency it was impossible to deny. But then the question, was not whether the suddenness of the demand was an evil, of that there could be no doubt; but whether they could take any means of defence against it? It was impossible to deny that it must have a partial effect; but then, seeing that the price of the article, and seeing that the quantity depended as well upon the uncertainty as the vicissitude of the seasons, how could they take any precaution by human prudence or human legislation against the recurrences of sudden necessity. If hon. Gentlemen took it for granted that the Corn-laws must have been the cause, he could only say that he had read with great attention the statements of those who were most prominent in discussing the operation of both currency and Corn-laws, and he certainly did not find that they attributed to the Corn-laws exclusively the derangement of our monetary system which had unfortunately taken place. On the contrary, they distinctly assigned other causes as having had a very material influence in producing that effect. Of course the parties on whom, in a matter of this kind, he should chiefly rely, were those who now put themselves forward as the most strenuous opponents of the existing Corn-laws, and the advocates of their total and unqualified repeal; and he thought that, when he found them assigning other causes as having contributed to produce the state of things to which he had alluded, he was entitled to attach great weight to their authority. He would mention particularly the President of the Chamber of Commerce at Manchester, who had supplanted the Member for Kendal, on account of the unsatisfactory character of the speeches delivered by him last year. Surely no hon. Gentleman opposite would contest the authority of the President of the Manchester Chamber of Commerce, the representative commercial body of the greatest manufacturing district in the empire. The president of this body was a gentleman of the name of Smith, a most active opponent of the Corn-laws, and, he believed, the chairman of the convention which was now sitting in London. In the course of this very year the local body over which that gentleman presided, and himself at the head of it, had come forward, at the same time that they were agitating against the Corn-laws, to give their opinion as to the specific causes of the monetary derangement of the country. He wanted to shew hon. Gentlemen opposite that, whatever might be their opinions as to the extensive operation of the Corn-laws, the the chief agitators against them assigned perfectly different and distinct reasons, combined certainly with that operation, for the derangement in the currency complained of. If he attempted to give a summary of this manifesto, which was a report from the Chamber of Commerce at Manchester, it might be thought that he would present an unfair view of the arguments, and, therefore, he should prefer making use of the summary, given by a gentleman who was also an opponent of the Corn-laws, who had written with great ability on the subject of currency and banking, and whose opinions were entitled to the greatest weight from the respectability of his private character, he meant Mr. Jones Lloyd. And this was the account which Mr. Jones Lloyd gave of the grounds which the Chamber of

Commerce had for impeaching the Bank of England, and the reasons they assigned for the late derangement of the currency, and the drain of gold. Mr. Lloyd states the report to be this:—

"1. That the alternations of excitement and depression in trade since 1835, and especially the events of this character which have occurred during the years 1838 and 1839, are to be attributed entirely to mismanagement of the circulation.

"2. That this mismanagement of the circulation is altogether the result of the improper measures of the Bank of England.

"3. That the cause of this misconduct of the Bank of England is to be found in the undue privileges possessed by the Bank; in the available capital on the part of the Bank, which renders it impossible for it to conduct its affairs with advantage to the interests of the manufacturing and commercial community; and in the fact, that the power over the currency is vested in twenty-six irresponsible individuals for the exclusive benefit of a body of Bank proprietors."

That, then, was Mr. Jones Lloyd's summary of the reasons alleged by the Chamber of Commerce for the late monetary derangement. Mr. Jones Lloyd stated reasons perfectly distinct from the Corn-laws, and he did not make the Corn-laws mainly responsible for the derangement of the currency. Mr. Jones Lloyd said that the Corn-laws increased the evil; but then that there were other causes not noticed by the Chamber of Commerce which materially increased the derangement, and the principal one was this, that the Bank of England did not exercise, and could not exercise, a control over the issues of joint-stock banks and private banks; that when the Bank of England controlled its own issues to act on the exchanges, the tendency of joint stock banks and of private banks was not to correspond with that conduct pursued by the Bank of England; and Mr. Jones Lloyd observed, that the Chamber of Commerce of Manchester was in error not to have noticed that want of control in the Bank of England. He used this language—

"But if the management of the circulation has been vicious during 1838 and 1839, who, we must inquire, has been the principal sinner? Look at the returns of the country issuers; you will there observe a progressive and large increase of issues through the whole period; an increase steadily maintained against decreasing bullion, and unsanctioned by any corresponding increase on the part of the Bank of England."

Mr. Jones Lloyd did not ascribe the evils of the currency to the Corn-laws, but to the manner in which functions that were incompatible with each other were left to the Bank of England. When Mr. Jones Lloyd said this, was he then not justified in assuming, that though the Corn-laws might have aided in the present derangement, yet there where other and more peculiar causes in operation tending to disturb the currency? Nothing, then, could be more unwise than for that House to act on the assumption that the Corn-laws were the entire cause of the derangement. That was the answer he gave to the hon. Gentleman who said he was anxious to hear from him what other cause there could be than the Corn-laws for the monetary derangement of the country. He gave to the question a satisfactory answer, not founded upon any assumption of his own reasoning, but upon the opinions of those who took an active part against the Corn-laws, and who attributed it to the banks and to other causes. It was not then to Corn-laws they were to attribute it, but to the arrangement respecting the control over the issue. [Mr. *Clay*—It was to be attributed to both.] He was glad he had been able to get the hon. Gentleman to go so far. Upon the previous night the hon. Gentleman had said, the derangement was owing exclusively to Corn-laws—now he was for dividing the responsibility; perhaps if he (Sir R. Peel) had spoken on Monday night, instead of the hon. Gentleman laying the whole blame upon Corn-laws, he would have declared they had nothing to do with it. He did not deny that Corn-laws would aggravate the evil, but he denied that they were the exclusive cause of it. To deny that their tendency was to increase pre-existing evils arising from other causes would be uncandid and unwise. He was not satisfied that an alteration in the existing Corn-laws would afford them a remedy, or that the evil was one that could be corrected by any legislation on the subject. He thought that quite impossible in an article like corn, which was not an article of manufacture, and the supply of which could be accommodated to the demand for it. Corn was an article, which depended upon the dispensation of Providence—it was an article of production which it was impossible to control by human legislation—it was impossible to prevent in time of scarcity a sudden demand for corn from foreign countries; and he greatly doubted, if they discouraged the production of corn at home—if they became dependent for their supply upon foreign countries—if then a time of scarcity should arrive—if there should be a succession of bad seasons—if there should be a deficiency of produce not merely in this country, but in other countries of Europe, which were frequently, if not generally, subject to as much vicissitude of season as this country—then he doubted whether they would not have great cause to regret the derangement of the home produce—seeing that there was a limited supply at home, and that they were dependent on foreigners, who, influenced by no hostility, but pressed by necessity to provide for the wants of their own people, would find imposed upon them the necessity of interdicting the export of that corn which they required for their own use. Under such circumstances he feared that there would be a still more sudden demand, and still more deficient supply, and that the evils of deranging the currency and of a drain of bullion would come upon them at a moment of deficiency and of scarcity, and when they would be forced to encounter evils far greater than any that now existed. The next objection which was made to the Corn-laws was the great fluctuation which they caused in the price of corn, and the great uncertainty which they introduced into the traffic in corn, and the consequent derangement they caused in the commercial intercourse between this country and foreign powers. Now neither upon this point would he pretend to deny that there had been great fluctuation in the price of corn, greater fluctuation than he wished to see in an article of such general consumption, but at the same time he doubted whether it would not be found upon examination that there had been a great or greater steadiness under the sliding scale, as it was called, than could be hoped for under any other system; and here again he would say that with respect to an article of food there was in itself a cause which materially affected its price and value under changing circumstances, and upon this point he would beg to quote the authority of a writer who was entitled to very great respect on all points connected with the fluctuations of price, namely, Mr. Tooke. Now what was the principle laid down by Mr. Tooke with regard to the liabilities of this particular article corn to fluctuation? He begged to say that what he was about to quote was rather the summary of the evidence of this gentleman before the committee of the House than an exact transcript of his answers, but he believed it would be found to be a faithful report of what he said on that occasion. Mr. Tooke said that "the deficiency or excess in the supply of corn as compared with the average consumption of it was a question attended with greater difficulties than most other articles of consumption. This observation was confirmed by a reference to the fluctuations in the price of corn, which could apparently be referred to no other course." Now, he would beg to compare the fluctuations which had taken place in the price of corn since the present Corn-laws had come into operation, with the fluctuations in former periods before the traffic in corn was made a subject of legislation. It was all very well to take the highest price of one week at 76*s.*, and that of another at 170*s.*, and say there was a difference of 100*s.*; but let them take the whole variations in the annual averages since the year 1829, and compare the fluctuations with those of former periods, not at the periods of defective legislation in 1815 and 1822, but in periods anterior, when this country was an exporting country, and the Corn-laws could have had no effect upon this trade, and he did not think that this sweeping condemnation would be found to be justified. Now, since the year 1829 to the present time, the annual averages gave an average upon the whole period of about 52*s.* or 53*s.*, a price which he thought was hardly to be complained of. He would certainly admit that if it were to be found that, during that period, there had been great alterations from year to year, that would be a great objection to the present system. But he did not think it would be so found. He supposed that the figures which he was about to quote would be admitted by the opposite party to be correct, as they proceeded from a body calling itself the Anti Corn-law Association. In 1829 the average price of wheat was 66*s.*; in 1830, 65*s.*; in 1831, 66*s.*; in 1832, 58*s.*; in 1833, 52*s.*; in 1834, 40*s.*; in 1835, 39*s.*; in 1836, 48*s.*; in 1837, 55*s.*; in 1838, 64*s.*; and in 1839, 70*s.*; and he thought, that if the right hon. Gentleman who spoke last night as to the monthly averages had corried his calculations a little further, he would have found that there was a considerable number of months during this interval in which the price of corn had ranged between 55*s*. and 65*s*.

Mr. *Labouchere* said, that since last evening he had made inquiries upon the subject, and he found, that during the period from 1828 to 1839, there had been 42 months, during which the price ranged from 55*s*. to 65*s*., 53 during which it was below 55*s*., and 43, during which it was above 65*s*.

Sir *R. Peel* said, that it appeared then that there had been ninety-five months during which the price had been below 65*s*., which, as a low price was considered desirable, was a very gratifying fact. He would now draw attention to the variation which had taken place at a much earlier period—namely, before the Act of 1765 came into operation. In the year 1728 the average price was 48*s*. 5*d*.; in 1732, it was 28*s*. 8*d*.; in 1733, it was 35*s*.; in 1743, it was 22*s*.; in 1750, it was 28*s*. 10*d*. in 1757, it was 53*s*. 4*d*.; and in 1761, it was 26*s*. 4*d*.; being a fluctuation of 100 per cent. Now, comparing these fluctuations with the present period, he found also, that of these seven years which he had quoted, in five there had been an excess of export over import, so that the fluctuation did not appear to depend upon the importation of corn. But Mr. Tooke, in referring to these years, did so in order to confirm his argument, that the fluctuations depended upon the deficiency or excess in the supply, a feature which could not be provided against. Mr. Tooke also stated, that from the beginning of the year 1794 to the end of 1795, the price had risen nearly double, and he said this fluctuation was entirely unconnected with any fluctuation in the currency, or any great political changes.

> "It might fairly be referred," Mr. Tooke said, "to the difference in the seasons;"

And that gentleman then added the remark,

> "That the defect or increase in the price of corn was very much beyond the ratio of the excess or deficiency in the supply of the article during the same period, and that the fluctuations in the prices of articles of food were generally much greater than in other articles of consumption."

They had, therefore, the authority of Mr. Tooke for this opinion, that though the fluctuations in the prices of corn were very great, they were not such as to be easily prevented by any legislative precautions; and he was prepared to show, that under the present system, those fluctuations had been considerably less than when no system of Corn-law was in operation. Now, what would have been the effect of the seasons upon the price of corn, supposing there had been a fixed duty during the period which had passed since the present system came into operation? Suppose, as in the years 1833, 1834, and 1835, there should be a succession of very good seasons, and a consequently large supply in this country, and also, as might naturally be expected, a plentiful harvest on the Continent. Now, under circumstances like these, the foreign market being overstocked, he would ask, whether, with a fixed duty, the trader in corn might not be induced to bring over very large supplies, and after paying the duty, offer it in the market at a price much below that of British growth? And would not this operate as a great discouragement to corn of home production—a great discouragement to agriculture—and cause a great deal of land to be thrown out of cultivation? and might not this lead, and at no very distant period, to an alteration on the other side, and eventually to a very diminished supply? He came now to the third objection against the Corn-laws, and a most important consideration it was. The hon. Member for Wolverhampton said, at the commencement of his speech in introducing this subject, that if those who had taken part in the support of the Corn-laws last year, could have foreseen, that their so doing must been so immediately followed by so complete a falsification of all their predictions in respect to the increase of our manufactures and home consumption, they would not have had the courage to vote as they had done. The hon. Member stated further, that the advocates of the repeal of the Corn-laws relied mainly for the success of their arguments upon the immense falling off which had taken place in the manufactures of the country, and of its internal consumption, since the debate last year, indicating, as they did, the great distress which prevailed throughout the country. Now this was a most important statement; and he would assure the House, that he referred to everything connected with the manufactures and commerce of this country with the utmost anxiety — he felt that our main strength as a nation, and our position in the scale of nations depended upon the maintenance of our manufactures; and so much so, that if he were the exclusive advocate and partisan of the agricultural interest, he should tell the landowners that their best friends were the manufacturers, and that the manufactures of the country, and not the Corn-laws, were the main element of their prosperity and the value of their land. Therefore, when the hon. Member for Wolverhampton stated as a positive fact that the manufactures of the country were on the decline, and that there had been a rapid diminution in home consumption during the last year—he thought it highly important to endeavour to ascertain whether statements so important and melancholy were perfectly well-grounded. Now, he had before him official returns relating to the extent of the foreign trade of this country, as exemplified in our imports and exports, giving also the total amount of each description of import and exports, and upon an examination of these documents, he found, that, as far as figures went, the gloomy anticipations of failure and distress entertained by the hon. Member were not altogether realized. He had great satisfaction in finding that there had been a considerable increase in the exports of manufactured goods. Last year, also, there had been an increase in the manufactured exports of the country, and he did not know whether the hon. Member for Kendal was present. Oh! He saw the hon. Gentleman in his place, and he was going to say, that he did recollect that last year he proved to the hon. Member's satisfaction, or rather the hon. Member frankly admitted to him, and succeeded in demonstrating it, that there had been a considerable increase in our export of manufactured articles; and he also begged to remind the hon. Member of the argument with which he then met that fact. He (Sir R. Peel) stated last year that there had been an increase on the total amount of the exports of the year 1838, whether as compared to the year 1837, or to the average of the four preceding years, and that to a considerable extent. To this the hon. Member replied, that he admitted there had been an apparent increase in the declared value of our exports, but, at the same time observed, that the increase in the export of perfectly wrought fabrics was exceedingly small, the principle increase being in articles which our manufacturers had scarcely removed from their raw state; that articles in this shape were the elements and means of foreign manufacturers; and their export, therefore, an encouragement and advantage to foreign manufacturers rather than our own.

Mr. *J. W. Wood:* I beg the right hon. Gentleman's pardon, but I was the first who used that argument.

Sir *R. Peel:* Surely the hon. Gentleman could not think that he (Sir R. Peel) could forget that, on seconding the address last year, the hon. Member had cut from under the feet of the Corn-law agitators that which formed the very foundation of their argument. He did not wish to deprive the hon. Gentleman of the gratifying and consolatory reflection that he had been the first to declare last year that an increase had taken place in our shipping interests, in our foreign commerce, and in every indication of stable and progressive prosperity. And he should never forget how the countenances of those Gentlemen suddenly fell who relied upon the chairman of the Manchester Chamber of Commerce for abundant arguments in favour of the repeal of the Corn-laws, when the hon. Member made those memorable and gratifying disclosures. But on a subsequent occasion the hon. Member said, it was true that there had been an increase in our exports, but that they had been of manufactured articles in the rudest possible state. The hon. Gentleman stated that,

> "Comparing the average of the last four years with the year 1838, the exports of woollen, cotton, and linen manufactures had increased from 25,757,000*l.* to 26,190,000*l.*, being an increase of only 433,000*l.*, or about one-half per cent. upon perfectly wrought fabrics; but that in cotton, woollen, and linen yarns, the increase had been from 6,590,000*l.* to 8,452,000*l.*, being an increase of about 1,800*l.*, or twenty-eight per cent.; these latter being articles which were to be wrought up in foreign countries."

The hon. Gentleman deduced from these facts the argument that, although the total amount of our exports had increased, yet that they had increased in a way to become evidence of declining prosperity rather than otherwise. He turned to the return of the present year. He looked to the exports of the wrought fabric bearing on the very cases which the hon. Gentleman had taken. He looked first to the cotton manufacture generally. Comparing 1838 with 1839, it appeared that the declared value of cotton manufactures exported in 1838 was 16,715,000*l.*, and in 1839, 17,694,000*l.* The export of linen manufactures had increased from 2,730,000*l.*, in 1838, to 3,420,000*l.*, in 1839. The export of silk manufactures had increased from 777,000*l.* to 865,000*l.*; and the woollen manufactures from 5,795,000*l.* in 1838, to 6,207,000*l.* in 1839. Now he did not say that this was a conclusive proof of manufacturing prosperity; but what he said was, that so far as official documents went, they could not say there was that decline in the export of manufactures which had been put forward as an argument against the existing system of Corn-laws by hon. Gentlemen opposite. [*Hear.*] But when he was arguing on one point, he was met with a cheer, as though he meant something else. The hon. Member for Wiltshire had said, that he never referred to figures, because the same figures might be made to serve both parties, and might be made use of on either side of the argument; but he had shown that in the articles of cotton, linen, silk, and wool, so far as the official returns of the foreign exports indicated, there had been an evident, he would not say, increase in prosperity, but increase in the manufactures of the country. The total increase in the export of those articles of perfectly wrought fabrics had been from 26,170,000 in 1838, to 28,202,000 in 1839. He (Sir R. Peel) remembered that the hon. Gentleman opposite had stated during the debate of last year that there had been an increase of only 1½ per cent. on the export of perfectly wrought fabrics; now this year there had been an increase of Eight per cent. But perhaps he should be met with the argument, still there had been an immense increase in the export of yarn, and the merely raw material, and that they had been exporting to a great extent those raw fabrics, which enabled their foreign competitors to rival them in foreign markets. Now he (Sir R. Peel) had the consolation to assure the hon. Member for Kendall, that while there had been this increase in the export of the perfectly wrought fabric, there had been at the same time a considerable decrease in the export of yarn. First, in respect to cotton-yarn, the export in 1838 was in value 7,400,000*l.* In 1839, 6,857,000*l.*; in linen yarn the export was in 1838, 836,000*l.*; in 1839, 814,000*l.* In wool there had been a trifling increase, but the total decrease in the export of yarn was as follows:—in 1838, 8,651,000*l.*; in 1839, 8,070,000*l.* Last year there had been an increase of 28,000*l.*, or 1½ per cent. in the export of the wrought fabric, and 28 per cent. in yarns, while this year there had been an increase of 8 per cent. on the wrought fabric, and a decrease of 8 per cent. on the export of the raw material. He (Sir R. Peel) knew well what the argument on this subject was, and certainly it was an ingenious one. It was admitted that there was an increase in the exports of the perfectly wrought fabrics, as shown by the official documents, but then it was contended, that so far from this being a proof that manufactures had prospered, it showed exactly an opposite result. And this view of the case was thus accounted for—that the foreign trade had been forced in consequence of the total inability of the home consumer to purchase. Now, suppose he (Sir R. Peel) had said, that there had been a great falling off in the foreign trade, and that that was evident proof of improvement, and a sure sign of prosperity; suppose he had said, that the falling off in the foreign trade arose from the immense increase in the home consumption, that the demand had been so great at home that it was impossible to provide for the foreign trade, and that so far from that being a cause of regret, it ought to be considered as a ground of rejoicing, inasmuch as it proves the prosperity of the country,—how would such an argument be met? and yet it was as good an argument as that with which he was met with, that the prosperity in the foreign trade ought to be considered as a decisive indication of the decline of the national prosperity. Was not that the argument—that they were not to consider the increase in the export of manufactured articles as an indication of the national prosperity. [Mr. *Baines*—No, no.] He never liked for the sake of a temporary triumph to advance anything which he was not prepared to prove. He held in his hand a document attributed to the son of the hon. Member himself, entitled "*National Distress proved by Increased Exports combined with Diminished Production.*" This Gentleman said, referring to the Parliamentary return, "That official document shows that a larger amount of British manufactures was exported in the year ending January 5, 1840, than in the year ending January 5, 1839; the increase being nearly 2,000,000*l.* on the declared value. Sir, I shall shortly prove, from the very document thus adduced, a case, not of extending, but of declining trade and manufactures."

That quotation bore him out in his representation of the argument of the opponents of the corn-laws. All he stated was, that the author of the pamphlet relied on the increase of our exports under the existing circumstances as a proof of a decline in our trade and manufactures, and then he said that he should be equally justifiable in arguing, that a diminished foreign trade might be accounted for by an increase in the home consumption. The foundation of the argument was, that the diminished demand at home had led to the increased exports. Now, it was exceedingly difficult to ascertain what the amount of home consumption at any period was. There were means of ascertaining the amount of foreign trade, but to find what relation existed between it and the home consumption was almost impossible. It was almost impossible to find what proportion of the productions of this country was consumed within the territories of her Majesty. There were, however, other indications of the state of the country. As to the amount of manufactures consumed within the kingdom, it was, as he had observed, impossible to form a guess; but he looked at the revenue and compared the amount of the customs in the two last years. In 1838, they amounted to 22,063,118*l.*, and in 1839, they amounted to 23,210,881*l.* He then looked at the number of vessels employed in foreign trade; although he certainly expected to be told, that these vessels had been only employed in carrying out the manufactures which our distress prevented us from consuming at home. In 1838, the number of vessels entered inwards was 19,639; in 1839, 23,143. The number of vessels entered outwards was, in 1838, 17,204; in 1839, 18,423. He did not exactly understand how there should be a great increase of coasting trade, if there had been a great decline of consumption. If the exports had arisen from a decreasing consumption, and inability of the people to buy manufactures, why should there be an increase in the coasting trade? But there was an increase in the coasting trade of the country in 1839, as compared with 1838. If, again, there had been a great increase in the capacity to consume, ought there to be a falling off in the excise duties? How could they reconcile an increase of the excise duties with a great decrease in the capacity of consumption? But there had been a gradual increase in the excise duties in 1837, 1838, and 1839. If there had been a diminution in the consumption of those manufactured articles, with respect to which they had no test of consumption, ought there not also to have been a diminution of articles of very general consumption, which were luxuries rather than necessaries? Why, if there was a greatly diminished capacity of consumption, should there have been an increase in the quantity of coffee consumed? The quantity of coffee entered for home consumption in 1838, was 25,818,000lbs., and in 1839, 26,832,000lbs. Tea had increased from 32,000,000lbs. in 1838 to 35,000,000lbs. The quantity of timber had increased in 1839 as compared to 1838. There appeared at first sight to have been a diminution in the quantity of sugar, but if they took the quantity of drawbacks on refined sugar exported in 1838 as compared to 1839, they would find, if there had been any diminution in the home consumption of sugar, it was exceedingly small. He had seen drawn up by a house largely concerned in the sugar trade, an estimate of the comparative consumption of sugar in 1838 and 1839, which claimed a small increase in the quantity of sugar consumed in 1839 as compared with 1838. He, therefore, could not admit that assertions of the increase in the foreign trade of the country, must be considered as a conclusive indication of declining prosperity at home, and an increased inability to purchase articles of general consumption. He knew perfectly well that great stress was laid on the argument that the great articles of consumption, such as cotton, indigo, &c., employed in manufactures had decreased, but he was glad to perceive that at Liverpool on the 1st of January, 1839, as compared with 1838, there had been an increase in the quantity of cotton taken for home consumption. But why did it vary? Because it was one of those articles which depended on the seasons, and, although there was a fixed duty, an unlimited demand, and unlimited importation, yet cotton varied in price from the vicissitudes of season to a much larger extent than corn. He had heard with great pain of the complaints made by some manufacturers engaged in the cotton trade: he had heard with still greater pain of the privations to which the working classes in some parts of the country were exposed; yet still he could not come to the melancholy conclusion at which some hon. Gentlemen had arrived, that there were in the official documents, and in general notoriety, certain indication of the decline of this great manufacture. Upon such grounds, having paid all the attention in his power to these documents, although perfectly ready to reconsider in matters of such immense importance the opinions he might have heretofore given, and to abandon them if he found them ill-founded, he must say he could not conceive, that there had been or was any indication of decay or decline in the country, and, therefore, the opinions which he had expressed last year on the general subject of the corn laws, were opinions to which in the present year he was perfectly ready to adhere. It was vain to disguise it — the real question they had to decide was not, whether they should admit any modification of the existing scale of duties; the question which the hon. Member for Wolverhampton called on them to discuss, and which their votes would decide, was, whether or not there should be a total repeal of the Corn-laws. At the same time, the right hon. Gentleman the President of the Board of Trade, who was entitled to high respect, as well from his general character as from the official station he held, had, in the course of this debate, declared his intention of making some proposition in case the House should go into committee.—[Mr. *Labouchere:* "No, no."]—Then the right hon. Gentleman had nothing to submit to their attention; but he declared an individual opinion that a fixed duty would on the whole be preferable to a total repeal and the present sliding scale. That seemed to be rather the theoretical opinion of the right hon. Gentleman than one so far matured as to be formed into a resolution, and, if they did find themselves in committee, to be submitted for consideration. He really thought the right hon. Gentleman had indicated an intention to submit that proposition, for he recollected that the right hon. Gentleman said he could answer for no other member of her Majesty's Government; and he also understood, that the only two other members of the Government who had spoken completely dissented from the opinions he had expressed. But although it seemed they had no chance of hearing the proposition practically made, it was still due to the right hon. Gentleman briefly to consider its merits. The right hon. Gentleman said, he preferred a fixed duty to the sliding scale; and on being asked to state its amount, he said he thought 7*s*. or 8*s*. per quarter would be the amount of duty he should recommend. Then the right hon. Gentleman being aware of the objection to a fixed duty, that when the price of corn became inconveniently high, it might be difficult for a weak or even a strong Government to maintain a fixed duty in the face of rising prices, he proposed, in order to obviate the difficulty, when corn arrived at the price of 70*s*. per quarter, the duty should vanish, and corn be admitted free. That was the only proposition which had been submitted to their consideration by her Majesty's Government. Let him then observe to the right hon. Gentleman that his proposition would hardly remove any one of the objections which were made to the present system. Would it tend to promote a final settlement of the question? Not in the opinion of the hon. Member for Wolverhampton, because the whole of his speech went to show that the landed interest was entitled to no protection whatever; that so far from bearing any exclusive taxes, they were exempted from some particular burdens, and that with no shadow of justice should any duty, fixed or variable, be imposed on the importation of foreign corn. All the arguments which applied to protecting corn for the purpose of increasing the rents of landlords would equally apply to a fixed duty as to a variable duty. All the bad appeals to the passions of the multitude, all the arguments about the impolicy and injustice, the unchristian and irreligious principles of taxing the staff of life, would apply to a fixed duty equally with a variable duty. They, perhaps, would apply with increased force when they came to look at what had been the average amount of duty levied on foreign corn imported under the existing scale for a considerable number of years past. There had been, since the Corn-laws were in operation, of foreign wheat imported into this country for home consumption not less than 9,297,000 quarters, and the average amount of duty levied on that immense quantity did not exceed 5*s*. 3*d*. per quarter. He was not prepared to say that there were not great objections to a shifting scale; but as to the amount of duty payable under the present system, there could not be a shadow of doubt that it was very much less than that which any one who advocated a fixed duty at all ever thought of proposing. Under the existing system, the duty charged only amounted to 5*s*. 5*d*. per quarter; the amount of duty upon the "staff of life," as it was termed, did not exceed the sum of 5*s*. 5*d*. The ignorant man was not prepared to understand the cause or the effect of a sudden importation, and it would be no satisfaction to him to be told that a duty of 5*s*. 5*d*. was to be exchanged for one of 8*s*. Those who upon a question of this nature resorted to an appeal to men's passions could do so with equal effect, whether the duty was the one sum or the other, or whether it was imposed according to the provisions of the existing law with its sliding scale, or under that which would impose a fixed duty commencing or ending at a certain point, The advocates of change, who denounced the present Corn-laws as irreligious and tyrannical, would be as well entitled to do so under one amount of duty as under another. Was there anything, he would ask, in the proposal, that when the price of corn rose to 70*s*. per quarter, the duty should cease, or be materially diminished, that of necessity would have the effect of disarming every topic which lay within the reach of the popular agitator, and at once silencing every appeal to the passions of mankind. He begged also to remind the right hon. Gentleman opposite, that independently of failing to give satisfaction to those who were opposed to the imposition of any duty whatever, he had not answered any one of the objections of detail; he had proposed to retain the whole system of averages. Surely that was anything but giving satisfaction to his hon. Friends who demanded free trade. Was that free trade, or anything like it? Nothing could be more evident than that his whole system was one of averages, for how otherwise could he ascertain his price of 70*s*., at which his duty was to commence? Then he begged the House to look at the manner in which the proposed plan of the right hon. Gentleman would meet the argument of the American merchant, who urged the probable effect of a deficient harvest, when bad corn must of necessity be brought into the market, and when its introduction would most assuredly affect the rate of prices. Next, let the House observe the probable effect of the gradual rise of the price of corn to 67*s*. or 68*s*.; what precautions did the right hon. Gentleman propose to adopt against the tricks and devices confessedly practised for the purpose of operating upon the averages? Supposing that the price remained at 69*s*. 6*d*., the duty, according to the plan of the right hon. Gentleman, would be payable; but increase the price by a single shilling, and foreign corn would be imported duty free. It would be difficult to conceive a greater temptation to practise upon the averages than this state of things would present. It offered immense inducements to adopt expedients of all sorts for the purpose of causing the price of corn to turn 70*s*., for the moment its average price exceeded that sum of 70*s*. per quarter, the market might at once be inundated with foreign corn, and might continue to be kept in that state till new averages were made. In such a case how did the right hon. Gentleman propose to provide for the difficulties with which the American merchant would have to contend in meeting his rivals in the ports of Holland? The American who thought of exporting corn to this country, hearing that the price was 70*s*., might suppose himself safe in sending a cargo, relying with confidence upon being able to introduce American corn into England duty free. Before his corn could have time to arrive in the ports of Great Britain, he would find that the price had sunk to 69*s*.; during the transit of his corn across the Atlantic, parties in the habit of practising upon the averages would have managed to effect a reduction, and so the object which the American speculator proposed to himself would be utterly defeated, and he would find himself under the necessity of paying a duty of 8*s*. per quarter upon that which he had hoped to have exported to England duty free. Upon these grounds, then, he professed himself at a loss to discover how the right hon. Gentlemen overcame some of the objections to the averages and a sliding scale. If the right hon Gentleman abandoned the averages, he must resort, or be inconsistent with himself, to a free importation, with a fixed duty of 8*s*. In times of great abundance, of unexamled —he might say, of excessive and superabundant supply—corn would be poured into this country from the ports of the continent of Europe and from those of America; the importation of foreign corn would then be subject to no control. Then, in times of extreme scarcity, could any Government maintain a duty upon the importation of foreign corn? It would be described as a tyrannical impost upon the "staff of life." He did not hesitate to say, that such a duty would be practically removed; and if it were once removed, he professed himself unable to see how it could be re-imposed. He acknowledged that, though the right hon. Gentleman declared himself favourable to a fixed duty, he at the same time declared that he did not mean to propose anything of the sort. It was to be presumed, he apprehended, that, in any attempt to do so, he did not expect to enjoy the support of his colleagues. In making this observation, he also referred to the sentiments of the hon. Gentleman, who said, that on that part of his plan which related to a fixed duty, the support of his colleagues had been withheld. Now, if that question of a fixed duty was not to be taken into consideration in committee, why consent to going into committee at all? It was a faint indication that the whole project appeared to melt before him the more nearly he approached it. It was clear, then, that there was not any plan digested by the Government or to be proposed to Parliament under the authority and responsibility of the Ministers of the Crown. But the hon. Member opposite had told the House that it would hear his plan. Even had he entertained the least intention, upon the present occasion, of submitting any plan to the House, he conceived that nothing could be so absurd as to declare for or against any particular set of details—nothing appeared to him more objectionable than to say, that the present Corn-law, in all its details, was a system actually perfect; such a declaration he considered would be utterly unworthy of him to make, or the House to hear. He had no intention on the present occasion of proposing any plan, neither did he think it the fitting opportunity to indicate anything further respecting his views than he had already taken the liberty of submitting to the House. By the hon. Member who had brought forward the present motion they had been invited to go into committee upon a plain and intelligible principle—namely, total repeal; and considering that to be, as it confessedly was, the real purpose of the motion, nothing appeared to him more ridiculous than the discussion of minor points. He differed, therefore, from the hon. Member for the Tower Hamlets in thinking that the House could advantageously pursue the course to which he invited them; and, while adverting to that, he could hardly refrain from noticing the manner in which the hon. Gentleman who brought forward the present motion had referred to the sentiments of the hon. Member's Friend, and the way in which he had treated the plan of the hon. Member for Cambridge, of a modified duty. He should profit by the experience of the hon. Gentleman. One, he thought, who ought to be considered as speaking with authority upon such a subject, had been treated almost with contumely when he spoke of a modified scale. Nothing seemed to disturb the equanimity of the hon. Mover till he came athwart his hon. Friend, whom he accused in language unlike the general tenour of his speech—in language violent and contumelious—of rendering him nothing but insidious assistance. What motive could any one have to enter into the discussion of details, when the only man whom the mover treated with injustice, was he who had ventured to depart from broad principles? The hon. Mover refused to take advantage of his assistance upon a division, declaring that he preferred the open hostility of the hon. Member for Lincolnshire to his hon. Friend's insidious friendship. He should, therefore, say, that the great question which the House had to determine, was that of total repeal; the hon. Mover advocated that exclusively; he proceeded upon the assumption that total and unqualified repeal would alone give satisfaction. To that proposal he could not assent. To that proposal he should apprehend that her Majesty's Government could not assent. At any rate the right hon. Gentleman opposite had said, that the landed interest were fairly and justly entitled to some protection. He then asked whether any advance was made towards tranquillising the public mind, or towards a satisfactory settlement of the question, when he who presided over the commercial department of the country, holding an opinion for concurrence to which he could not answer for his colleagues, and which he did not propose practically to carry into effect, consented in the present agitated state of the country, to go into a committee with the vague and indefinite hope that some satisfactory proposal on the subject of the Corn-laws, which was not heard of in the House, might suddenly be made in the committee. The principle of total repeal he perfectly understood. It was certainly a magnificent scheme for introducing in our intercourse with foreign nations that principle which ought to regulate the intercourse of this great empire within its own boundaries. He doubted the possibility of applying this principle to the external commerce of this country, in a state of society so artificial, with relations so complicated, and with such enormous interests at stake, which had grown up under another principle, however defective it might be—namely, the principle of protection in certain cases. If the principle now contended for was good for the regulation of the trade in corn, it was good for the trade in many other articles. If good as affecting corn, it was clearly good as affecting labour. Upon this principle there ought to be no navigation laws. Every merchant ought to be allowed to procure labour at the cheapest possible rate, and there ought to be no preference for the British seaman. But the Legislature controlled that principle, just in the abstract, by a reference to the necessity for providing for the defence of this country in case of danger. It was found beneficial to encourage our own marine, and to endeavour to secure the maritime eminence of this country by giving a protection to its marine. Therefore, in this instance, the legislature corrected the principle, however good it might be in the abstract, by giving a preference to the seamen of this country. Besides, if the principle was to be applied generally, the whole colonial system must be altered. Foreign sugar must be entitled to admission into the home market, on terms equally favourable with the sugar of our own colonies. The timber duties, must, of course, be got rid of. Every protecting duty on manufactures must be abolished, precisely on the same principle on which it was argued, that there ought to be no protecting duty for corn; and, as he had said before, if the principle were good in the case of corn—if they might not take an insurance against the caprice or hostility of foreign countries in time of war and against the vicissitudes of seasons by encouraging the home produce, neither must they seek to secure the pre-eminence of the marine of the country, by giving an advantage to the labour of British seamen, neither must they give a preference to the productions of their own colonies, or afford protection to their own manufactures. Theoretically, and in the abstract, this magnificent plan might be correct, but when he looked to the practice, to the great interests which had grown up under another system—when he found that whatever theoretical objections might apply to that system, still great and complicated interests had grown up under it, which probably could not be disturbed without immense peril—when he, besides, bore in mind that defective as that system in principle might be, yet under it, this country, considering its population, had acquired the greatest colonial empire, the greatest Indian empire, the greatest influence which any country ever possessed — when he considered, also that under this system, he would not say in consequence of it, for that might be denied by hon. Gentlemen opposite, but simultaneously with it, we presented this spectacle to the world—a country limited in extent and population, yet carrying on greater commercial and manufacturing enterprize than any other country ever exhibited—when he considered all these things, he would not go the length of the Prime Minister, who said, that he who entertained the notion of upsetting this system "proposed the maddest thing that ever he had heard of," but, this he would say, that he would not consent to put to hazard those enormous interests for the purpose of substituting an untried principle for one which might be theoretically defective, but under which practically our power and greatness had been established; fearing that the embarrassment, the confusion, and distress, which might therefrom arise, would greatly countervail and outweigh any advantage which could be anticipated from establishing at the expense of what was practically good, that which might be theoretically correct.

Mr. *Warburton* moved, that the debate be adjourned to Monday. For himself, he had no objection to continue the discussion, but he knew it to be impossible for all the Gentlemen who intended to speak to address the House that night, and he, therefore moved the adjournment.

Lord *J. Russell* protested against an immediate division, or the continuation of the debate at that hour. After the speech of the right hon. Baronet it would be unfair not to agree to an adjournment of the debate. [*Cries of "Divide."*]

The House divided on the question of adjourning the debate :— Ayes 129 ; Noes 245 : Majority 116.

List of the Ayes.

Abercromby, hn.G.R.
Adam, Admiral
Aglionby, H. A.
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Baring, rt. hn. F. T.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon.C.
Chapman, Sir M.L.C
Clay, W.
Collier, J.
Collins, W.
Cowper, hon. W.F.
Craig, W. G.
Curry, Sergeant
Dalmeny, Lord
Dashwood, G. H.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Sir R.A.
Finch, F.
Fleetwood, Sir P.H.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Greg, R. H.
Grey, Sir C.
Grey, Sir G.
Hastie, A.
Hawes, B.
Hawkis, J. H.
Hayter, W. G.
Hill, Lord, A. M. C.
Hindley, C.
Hobhouse, T. B.
Howard, F. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, Gen.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lister, E. C.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hon.T.B.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Melgund, Viscount
Morpeth, Viscount
Muntz, G. F.
Muskett, G. A.
O'Connell, M. J.
Oswald, J.
Palmerston, Visct.
Parker, J.
Parnell, rt. hon. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Phillips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pinney, W.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rippon, C.
Roche, W.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Shelbourne, Earl of
Somerville, Sir W. M.
Standish, C.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stuart, Lord J.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Townley, R. G.
Turner, W.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Wemyss, Captain
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.

TELLERS.

Villiers, hon. C. P.
Warburton, H.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Visc.
Alford, Visc.
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baker, E.
Baring, hon. W. B.
Barneby, J.
Barrington, Visc.
Barry, G. S.
Bassett, J.
Bell, M.
Benett, J.
Berkeley, hon. G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blakemore, R.
Blennerhassett, A.
Bolling, W.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Cantalupe, Viscount
Castlereagh, Viscount
Cavendish, hn. G. H.
Chetwynd, Major
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Compton, H. C.
Corbally, M. E.
Corry, hon. H.
Crewe, Sir G.
Cripps, J.
Currie, R.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hn. A.
Duncombe, hn. W.
Du Pre, G.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Euston, Earl of
Farnham, E. B.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fitzsimon, N.
Fleming, J.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Glynne, Sir S. R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.

Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, J.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hn. S.
Herries, rt. hn. J. C.
Hillsborough, Earl of
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Houldsworth, T.
Howard, hon. E.G.G.
Hughes, W. B.
Hurt, F.
Ingestre, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kelburne, Visc.
Knatchbull, right hon.
Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hn. W. S.
Law, hon. C. E.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Manners, Lord C. S.
Martin, T. B.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Noel, hon. C. G.
O'Conor Don
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Power, J.
Powerscourt, Viscount
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, right hon. Sir G.
Round, C. J.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord C.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, G. R.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, E.
Staunton, Sir G. T.
Sturt, H. C.
Sutton, hon. J.H.T.M.
Talbot, C. R. M.
Talbot, J. H.
Teignmouth, Lord
Thomas, Colonel
Thornhill, G.
Tyrrell, Sir J. T.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Whitmore, T. C.
Williams, T. P.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Worsley, Lord
Young, J.

TELLERS.

Baring, H.
Fremantle, Sir T.

Paired off.

AYES.	NOES.
Turner, E.	Attwood, M.
Donkin, Sir R.	Vere, Sir C. B.
Crawley, S.	Ashley, H.
Courtenay, P.	Fenton, J.
Fort, J.	Fitzroy,—
Rich, H.	Greene, T.
Pigot, R.	O'Brien, W. S.
Conyngham, Lord	Sheil, right hon. R. L.
Sharpe, General	Estcourt, T.
Grosvenor, Lord R.	Walsh, Sir J. B.
Fitzroy, Lord C.	Hill, Sir R.
Howick, Viscount	Bentinck, Lord G.
Lushington, C.	Jenkins, Sir R.
Maule, hon. F.	Boldero, Captain
Bernal, R.	Sanderson, R.
Barnard, E. G.	Attwood, W.
Paget, Lord A.	Wynn, C.
Morrison, J.	Burroughes, H. N.
Humphery, J.	Vivian, Major C.
Hall, Sir B.	Powell, Colonel
Wilde, Sir T.	Follett, Sir W.
Buller, C.	Young, Sir W.
Browne, D.	Tennent, J. E.
Byng, right hon. G. S.	Spencer, Captain
O'Ferrall, R. M.	Maxwell, S. R.
Howard, P.	Wyndham, W.
Hutchins, E. J.	D'Israeli, B.
Vivian, rt. hn. Sir R. H.	Baillie, Colonel

Mr. Warburton moved, that the House do adjourn.

House adjourned.

HOUSE OF LORDS,

Monday, April 6, 1840.

MINUTES.] Petitions presented. By the Duke of Sutherland, and the Marquesses of Westminster, and Lansdowne, from a number of places, for, and by Earls De Grey, and Yarborough, the Marquess of Londonderry, Lords Fitzgerald, Ravensworth, and Prudhoe, from a great number of places, against, the Total and Immediate Repeal of the Corn-laws.—By the Duke of Argyle, the Marquess of Lansdowne, and Lords Strafford, Lurgan, and Prudhoe, from a great number of places, in favour of Non Intrusion.—By Lord Redesdale, from a number of places, against the Grant to Maynooth College.—By the Marquesses of Westmeath, and Londonderry, Lord Colchester, and the Earl of Wicklow, from a very great number of places, against the Irish Corporations Bill.—By Earl De Grey, and Lord Prudhoe, from several places, for Church Extension.

MUNICIPAL CORPORATIONS, IRELAND.] The Marquis of *Westmeath* said, he rose to present several petitions against the Irish Municipal Corporations Bill. The first to which he should call their lordships' attention was from the guild of shoemakers of the city of Dublin. That petition, which was couched in very energetic, but very effective language, he begged leave to read to the house. The petitioners stated, that in their opinion the bill which had been introduced was calculated not to reform, but to destroy the corporations of Ireland. They regretted to see various revolutionary measures brought before Parliament under the specious name of Reform, the effect of which must be the destruction of various ancient rights and privileges. They energetically protested against the violation of their rights, which they would not allow rudely to be torn from them and given to others, whether friends or foes, who had no claim whatsoever to them. The petitioners demanded of their lordships to consider, if corporation property were not protected, how long private property would be safe? They denied the right of any authority under Heaven to despoil them of their property—not only to despoil them of that which they had derived from their ancestors but also to deprive their successors of their birthright. The argument which was made use of in support of this proceeding was nothing more than the plea of the plunderer who forcibly possessed himself of the purse of the weaker party. If such a measure were carried, the petitioners felt convinced that it would be another "heavy blow and great discouragement" to Protestantism in Ireland, and they therefore earnestly prayed their Lordships not to allow this bill to pass into a law. The noble Marquess then proceeded to say, that these petitioners plainly told their Lordships that they had no right to pass this bill. They boldly used the words "no right." That was a phrase and an expression which, he believed, was to be found in the mouth of every Englishman who saw those rights or that property invaded which justly belonged to him. The noble viscount must have heard it from his schoolboy days up to the present hour. It was familiar to every Englishman. It

> "Grew with his growth, and strengthened
> with his strength."

And the same sentiment was expressed by the petitioners, who saw their rights recklessly invaded. He, for one, was astonished that any set of men should expose themselves, by an act of legislative duty, to be addressed in language such as that. He should feel himself degraded if any body of men could justly address him in language of that description. The measure to which the petition related appeared to him to be an act of political gambling—as if the destinies of a people were to be taken up, and any set of men who happened to be in power were at liberty to play with them as if they played with a pack of cards. He was struck with this view of the matter when the noble Lord, the Secretary for Ireland brought up this bill. Joy was beaming on his face when he brought up this wicked, mischievous, and plundering bill. The noble Lord, he believed, thought that he was doing a good act, for there was a great deal of difference between school attainments and statesmanlike ability, which knows how to distinguish between a wise and a vicious measure. Now, he would maintain that the bill which had been thus brought up to their Lordships' House did not receive a statesmanlike consideration. It was introduced to satisfy agitators—he would not more particularly say whom—and to keep Ministers in their places, reckless of the rights and privileges of the people who were immediately affected by it. He felt that if he, as a representative peer of Ireland, did not openly speak his mind with reference to this measure, which was calculated to convert the metropolis of that country into a scene of turmoil and dissension, he would be guilty of a gross dereliction of a sacred duty, and therefore he had trespassed thus far on their Lordships' attention.

THE ADMINISTRATION.] The Marquess of *Londonderry*, on putting a question to the noble Viscount, and in stating to their Lordships the grounds on which he felt himself called upon to pursue the course he was then adopting, would not carry their memories back to the declarations of the noble Viscount on the appropriation clause, to the history of that measure or to the conduct which the Government, with the noble Viscount at its head, had pursued respecting it; neither would he bring back to their recollections the lectures which that noble Viscount had thought it his duty to deliver in their Lordships' House, as to the principle on which a Government ought to act, or as to the power which a Government ought to possess, to carry on efficiently the business of a great country; but he would shortly draw their Lordships' attention to what he thought was of great importance—the intentions of the noble Viscount as to the principles on which the Government of the country was in future to be carried on. He would draw their attention to what happened in May last, to the declarations made by the noble Viscount in that House, and to the consequences which had followed such declarations. Their Lordships would remember that in the beginning of May the noble Viscount (Melbourne) found it expedient to come down and declare his intention of resigning the Government of the country, finding himself no longer supported by that confidence in another place which he thought essential to carrying on his Administration. How much greater confidence was placed in him at the present moment the noble Viscount might, perhaps, hereafter learn. The noble Viscount, however, came down to the House early in May, and announced his resignation. At the end of the same month (he believed the 31st) he also came down to this House, and, though it was not very regular to refer to speeches or to quote opinions which had been delivered, yet, as many instances of that practice had occurred during the last week—especially on the important subject of the Corn Laws—and as he was very desirous of showing what were the principles then expressed by the noble Viscount, he trusted that the House would pardon him for reading his declarations on that day. He found that the opinions which he would now read were expressed by the noble Viscount opposite on the day to which he alluded. Lord Melbourne stated—

> "He would never stoop to diminish the difficulties of Government by any abandonment of principle on his part. * * * Although a warm and anxious friend to all measures which he really believed to be measures of reform, he was not prepared to adopt measures contrary to his feelings, opinions, and conscience, for the sake of gaining the support they might conciliate. The accusations to which he should be most sensitive of all were those of having deceived any one, or of having given a notion that he professed opinions which he really did not hold and maintain."

By this honourable declaration it was clear that the noble Viscount did not wish to deceive the Conservatives or his colleagues. In that sense it was understood by himself and by the noble and illustrious Duke (Wellington) behind him, who got up and said—

> "Let the noble Viscount persevere in the course he has resolved upon taking, and then let him trust to the good sense of this country for support."

The noble Viscount did not reply, and seemed to accept the interpretation. But what had since happened? They found in the month of June a noble Lord (son of the noble Earl, the father of the Reform Bill), and high in the confidence of the Administration, seceding from them because he was not prepared to vote for further changes. Lord Howick said, "The Members brought in were of a description, by their avowed political sentiments, to produce an opposite effect from that to which the changes ought to have been directed." And he also said, "That he did not expect the House of Commons or the people to support the projected measures." Upon that the noble Viscount, instead of acting up to the principles which he had previously professed, fortified his Administration by the introduction of individuals, of talent and respectability no doubt, but of men tainted with principles entirely different from those which the noble Viscount had given them to believe were his own. Now, what were the declarations of those individuals? The first of these persons then introduced into the Administration was the Secretary-at-war, and they found him on his election at Edinburgh, in January, speaking to this effect:—

> "He admitted that he advocated the ballot. There were, however, other points on which material difference existed. He, himself, was for enfranchising every man who held a house to the value of 10*l.*; but he would not confine that qualification within a given district. He was for extension beyond the boundary of parliamentary boroughs, but looked on pecuniary qualification as necessary."

Now, this Gentleman who advocated the ballot, and who had expressed such opinions, said in his famous letter from Windsor, "I have the same opinions as a Minister I had as a private citizen." Now, differing so entirely on important questions with the noble Viscount and many other Members of the Administration, of what avail could be his services in the Administration? He must be on all great subjects merely a sleeping partner. The next appointment under this system was that of a person of great influence in Ireland. He was placed in a most important situation—the Vice-Presidency of the Board of Trade. Now this individual was notoriously hostile to almost every recent decision of the English Legislature. He was notoriously hostile to the union between the two countries, and he was notoriously hostile to the Protestant interests; but to the former he was more particularly hostile, so much so, that it could create no surprise that the inhabitants of Londonderry, and of all places throughout Ireland, should feel the greatest alarm. This Gentleman, at a meeting in Dublin, in January, 1831, declared,—

> "If the union is not repealed within two years, I am determined that I will pay neither rent, tithes, nor taxes. They may distrain my goods, but who will buy, boys? Mind, that is the word, who will buy? I don't tell any man here to follow my advice, but, so help me God, if I don't do it, you may call me Sheil of the silk gown."

The opinions which Mr. Sheil entertained might be shown also by the proceedings of a meeting, the report of which he would read to their Lordships. At Mr. Sheil's election for Tipperary, Sept. 16, 1839, according to the *Dublin Evening Post*, Archdeacon Laffan said,—

> "As I have mentioned the Lords * * I hope they will not drive the people to a line of conduct the bare reflection upon which makes one shudder. When the pressure from without —the tide of popular indignation—the soul of the long suppressed but irresistible flood of a nation's wrath would sweep away every vestige of this lock-up house, and the dreadful and appalling shout should be heard from millions of British subjects—when '*Delenda est Carthago* would be the motto to demolish this sink of hereditary legislation—this Sir, I dread must and will be."

In Mr. Sheil's speech which immediately followed, that Gentleman at once fully identified himself with Archdeacon Laffan in all the sentiments uttered, for he said—

> "You have heard Archdeacon Laffan, with that just assent to all that he has said which his character is sure to command."

Mr. Sheil also referred to what he termed the "factious proceedings of the House of Lords," and desired his auditors to "remember with what facility that House was coerced into acquiescence on the Reform Bill." The man who uttered such sentiments had been made by the noble Viscount the Vice President of the Board of Trade. They however, did not agree in opinion. With Mr. Sheil, also, on the Corn-laws and on many other important questions, the noble Viscount was entirely abroad. The Lord Privy Seal was the next appointed. With regard to that noble Earl, as he was the great champion of the Exaltados of Spain, and as he had received great distinction from them, he (the noble Earl) conjectured that was ranged with the Radicals in this country: His absence made his speeches rare, but he found on the second reading of the Electors Removal Bill, that the noble Earl said—

> "I hold it to be impossible that you can maintain the finality of any measure, even though it should be the most excellent that human ingenuity can devise at the time it is adopted."

The noble Earl therefore was a non-finality man, and this declaration showed that he entirely differed from the noble Viscount. From these various opinions their Lordships could see of what materials the Government was formed. He felt, therefore, justified in asking the noble Viscount to tell them whether he agreed in the declaration which the noble Viscount had made on the 31st of May, and to which he had taken the liberty of recalling his attention? He wished to know whether the noble Viscount concurred in those undefined changes which were advocated by many of his colleagues, or whether he still maintained the doctrine of finality which he had formerly avowed, believing that some check should be placed on the desperate attempts of dishonest agitators to overthrow the oldest and best institutions of the country? He was desirous of being informed whether all the questions of importance which agitated the country were to be one and all open questions? He would not object to one question being left open, on which every Member of the administration might be allowed to express his own opinion without reference to his colleagues; but all the questions which demanded the opinion of the administration were open questions. Were the different Members of the Government on all subjects allowed to act independently of each other? He felt confident that never was a Government placed in such a degraded situation. The whole Cabinet consisted of persons with publicly avowed and openly declared different opinions. On what grounds, then, he would ask, did such an administration stand? On what support, on what confidence, did the noble Viscount maintain his position? When the noble Viscount jeered at him on his congratulation, some time ago, on the success which the noble Viscount and his colleagues gained, and the support they met with in the House of Commons, he then thought that they had received enough defeats and sufficient disgrace; but almost every week since had added to the number of their defeats and increased their disgrace. He would read to their Lordships a curious abstract, which he wished to go forth to the world. He was desirous that the people of England should know, and should not be allowed to forget, the defeats with which the Government swaying their destinies met. He was desirous that that should take place though neither he nor they could do any good, for the Government had shown that they were determined to remain in office until the end of the world. He would read to their Lordships an abstract of the defeats which the present administration had suffered:

Ministers in minority.	Commons.	Lords
Session 1835	4 times	11 times.
Session 1836	11	18
Session 1837	9	5
Session 1838	21	4
Session 1839	8	11
Session 1840 (to March)	5	—
	58	49

So then, during these years the Government had suffered 107 defeats. But this was not all. He would read to their Lordships the number of bills introduced by them, and which, though fostered by their protection, had fallen to the ground. The period to which he referred was during four sessions—from 1836 to 1839, both inclusive—

Abstract of Bills brought in by Lord Melbourne's Government and not passed through Parliament.

Session 1836	29
1837	21
1838	34
1839	28
Total . .	—112

These documents would show that he had not risen on light grounds to put the question to the noble Viscount, and to remind the country of the description of Government by which they were ruled. He called on the noble Viscount to say, whether in the declaration which he made in May, he had intended to deceive both his opponents and his friends, and to adopt the principles of that infusion into the Government which had caused the sesecession of his best and firmest supporters? He thought that he had said enough to show his clear right, under the circumstances of the case, to put these questions to the noble Viscount, and begging pardon to the House for the trespass which he had made on their time, he trusted that they would think with him that he had made out his case.

Viscount *Melbourne.* — My Lords, it certainly is not my intention to answer many of the observations which the noble Lord has just made to the House. I apprehend that it was not expected by the noble Lord himself that I should do so; but lest it should appear a want of courtesy on my part to noble Lords, I think it my duty to reply to what I consider the main object—the question, which I collect and gather from the observations of the noble Lord. I beg leave in reply to say, that unquestionably I intend to adhere to all declarations of principles and opinions that were ever made by me; but it does not appear to me that either the appointments to which the noble Lord has adverted, or the measures which we have taken, are in the slightest degree foreign to, or inconsistent with, any of those declarations of principles and opinions.

Subject at an end.

PROCESSIONS (IRELAND.)] The Marquess of *Normanby* took that opportunity of stating that he had made inquiries upon the subject of the placard, to which his attention had been called on a former evening by a noble Duke opposite. It appeared that the stipendiary magistrates had applied to the Lord-lieutenant for instructions on the proceedings which they were to adopt with regard to the procession which was announced as about to take place on St. Patrick's-day. The Lord-lieutenant informed the magistrates that there was nothing in the nature of the Temperance Society which rendered a procession by its members illegal, and, therefore, he recommended the magistrates not to interfere; except, of course, for the purpose of taking care that none of those accidental disturbances took place which might arise from the assembling together of a large body of people. With respect to the placard itself, which stated that the meeting was held by the permission of the

Lord-lieutenant, thereby seeming to imply something more than a mere refusal to interfere; it appeared that the issuing of that placard was not the act of the society, but merely of an individual member. The colours used in the procession were red and white, as he understood, and not tricoloured, or emblematic of any party feeling. Having said thus much with reference to these processions, he must say, he thought them an unwise mode of carrying out what would doubtless be a great improvement in the habits of the country, and to which he looked with great interest, as tending to a moral amelioration of the people. A noble Friend opposite had asked him a question a few evenings ago with reference to a procession in Dublin. He had since written to Ireland on the subject, but, not having yet received an answer, all he could now say was, that his noble Friend, the Lord-lieutenant, had stated in a letter to him that he was standing in the streets a portion of the time that the procession passed, and, from what he observed, his impression was, to use his own words, "that he must say he had seen nothing in Ireland which had given him so much pleasure as this procession and peaceful triumph of sobriety and good order, there being nothing in the character of it to mark any party feeling." His hope was, that this subject might be allowed to go on for the moral improvement of Ireland, and if there could be anything in that country that was entirely unmixed with politics, it was this.

The Earl of *Wicklow* certainly participated fully in the opinion which had been expressed by his noble Friend, with regard to what might be expected from temperance societies in Ireland, and was far from sharing in any of those apprehensions which he knew were felt by some with respect to the subject of those processions. He had read some of the addresses of Father Mathew on these occasions, and must say, that he had found nothing in them but philanthropy and good-will. There was an impression, however, that in the procession which had been alluded to, banners had been made use of which were emblematic of party; and when it was understood that the noble Marquess seemed to make light of the wearing ribands of different colours in Ireland, what was there to prevent Orangemen from wearing that colour which was the emblem of their party? There could be no harm in the colour of any particular riband, but, as different coloured ribands were the badges of party in Ireland, the evil was not, indeed, in the mere use of them, but in its holding out an encouragement to others who were opposed to the parties wearing them, and who thought themselves ill-used if certain ribands were allowed to be used by some, whilst those which were emblematic of their own particular party, were suppressed. He hoped that the consequence of these processions might not be an attempt to renew others which the Government of the country had properly done so much to prevent.

PRIVILEGE. — BILL TO AUTHORISE PUBLICATION.] The *Lord Chancellor*, in moving the second reading of the Printed Papers Bill, said, that in asking their Lordships to give their assent to the principle of the bill, it was unnecessary for him to ask their Lordships to express an opinion on [the question of privilege, which had been so much agitated elsewhere. In doing so, he should feel great difficulty, and he should feel no less difficulty if it were necessary to ask their Lordships, in giving their assent to the second reading of this bill, to express any opinion inconsistent with the decision of the Court of Queen's Bench, which had been so very much connected with this question. The question of privilege would remain untouched by anything which the bill proposed. So far from attempting to review the judgment of the Court of Queen's Bench, the measure now before their Lordships provided simply for the application of a remedy to those inconveniences which had been found to result from the state of the law there laid down. He was well aware that those who were advocates for privilege in its highest extent had thought that what was proposed to be done by the bill was something like an abandonment of principle. But he apprehended that on consideration of what was proposed, it would be found that it left the question of privilege entirely untouched. Either House of Parliament might have power to the full extent claimed by any of its members, and yet it might be necessary, in order to carry into effect their privileges, that an easy, quiet, peaceable, and effectual remedy, should be provided for putting the privilege into operation. It did not at all follow, that because Parliament passed a law to that effect, its previous powers were destroyed. It did not take away from the Houses of Parliament the means of enforcing that for which they contended. The question was not whether they did or did not possess the right, but whether it were or were not expedient that some mode should be prescribed, by which this object could be attained, that the right should be put in operation. Therefore any one who contended for privilege in the highest sense would not find the bill at all interfere with what he was anxious to establish. Those who contended that the privilege did not exist, would find that the bill only proposed a legal mode of enforcing that which it was declared ought not to be enforced by ordinary means. The question was really independent of the contest about privilege, which was not at all involved in the present measure, and of which he should say nothing. Their Lordships were not called upon by the bill to pronounce on that question at all; but, assuming the law as laid down in the case decided in the Queen's Bench to be correct, upon which it was unnecessary for him to express an opinion, the question was, whether, under existing circumstances, it were or were not expedient that some remedy should be applied to the difficulties which had been found to exist. He could understand, that if there were any individual who thought it unnecessary for the exercise of the functions of the Houses of Parliament, that they should have the power of printing or publishing any papers at all, such a person might object to the provision of the bill, inasmuch as it professed to give facilities for the exercise of those rights or privileges as they might be called. He need not occupy their Lordships with arguing the proposition that such rights were necessary, because he apprehended that no man conversant with the usages of Parliament would contend that it was possible for the Houses of Parliament to exercise their important duties without the power of printing and publishing to some extent. If the Houses of Parliament must have the power of printing and publishing to any extent, their Lordships would necessarily come to the conclusion, that the power of limiting that right could not be confided to another tribunal. A great part of the difficulty felt by some individuals upon this subject, arose from their not accurately understanding the legal operation and meaning of publication. In common parlance, publication was the act of a bookseller in selling a work. But their Lordships were not to be informed, that almost any communication to any individual, was a publication. It was hardly possible that there could be printing without publication in the legal acceptation of the term. It might take place if an author printed his own work, but where an agent was employed, there was publication; therefore, there might be legal publication in the simplest operation with regard to any paper with which the House might think necessary to deal. There was great misconception as to the course which had been at all times adopted by the House of Commons in reference to publication. With respect to their Lordships' proceedings, he had not had an opportunity of inquiring, but the House of Commons had exercised the right of publication for two centuries. The selling of papers had long taken place, though it had not been always in the same manner and form. Through that whole period, no doubt, the orders were applicable to particular papers. The difference in the extent of the circulation, however, made no difference in the legal question. In point of fact, the order of the House in 1835, which regulated the present mode of selling papers, had not added to the circulation. It had rather diminished the circulation as compared with the period immediately preceding. He thought that he could satisfy their Lordships, that unless the Houses of Parliament were to be prohibited from printing and publishing at all, he might confine himself to printing only; all power, jurisdiction, or control, as to the mode in which the right was to be exercised, must be confided to the House itself. If it was not to be so confided to the House itself, or if any limits were to be imposed upon the exercise of the discretion of the House in printing or publishing, then the object of the bill would fail—conflicts would necessarily arise. No one would dispute the necessity of printing and publishing in certain cases. Many instances might be adduced in illustration. He would only mention one. Suppose the House of Commons found it necessary to prepare articles of impeachment against a public officer. The more gross and direct the violations of duty complained of, the stronger would be the illustration. It was perfectly impossible that the House of Commons could carry out such a measure without printing and publishing, in the legal acceptation of the term. It would be a part of their regular proceedings. They could not print their charges, or exhibit their articles of impeachment, without giving ground for an action. If the action was brought, the House of Commons would have to choose between permitting judgment to go by default, and damages to be assessed, and permitting the officer of the House, against whom the action was brought, to plead, and to prove in justification the subject of the impeachment. The result would be, that their Lordships, when they came to investigate the matter of impeachment, would find a verdict one way or the other. It was obvious that that could not be endured. The present state of the law involved inconveniences which it was absolutely necessary to remedy. It was obviously necessary that there should be protection for officers against actions. The right of publication was, in fact, conceded. Who were to be the judges of it? Suppose it to be exercised on any question, whether of necessity or expediency, or of Parliamentary usage, it was quite obvious than any other body than Parliament could not judge of the necessity, expediency, or Parliamentary usage justifying the act which the House of Commons might think necessary to adopt for the benefit of the public. In stating this, he was asking for no more than was conceded to tribunals of infinitely less dignity, and infinitely less entitled to the confidence of the public than the two Houses of Parliament. He might illustrate this by going to inferior tribunals, but he would call their Lordships' attention to instances which occurred before the higher tribunals of the country. His proposition was this—that if either House of Parliament ought to exercise the privilege, it must be the judge of its own privilege: that was to say, of the extent and manner in which it was to be exercised. If it was to be submitted to another tribunal it would cease to be privilege. It might be law, but not privilege. It was quite impossible that Parliament should prescribe or anticipate all the circumstances in which a privilege of this sort ought to be exercised. Whenever it was found essential to the interests of the public that any species of jurisdiction should be exercised by a court, the court itself was permitted to judge of the circumstances under which it ought to be exercised. It was his duty to preside over what might be called the *officina* of libels. Two or three thousand bills were annually filed in the Court of Chancery. One half of these were libels, and would subject the parties to actions unless protected. It frequently happened in those cases that litigants did not confine themselves to stating some grievous case against the party opposed, or to the subject matter of the contest, but indulged their fancy and their venom, in stating what had no reference to the subject matter. Although these statements were unnecessary for the purpose of litigation, and were improper to be made, yet no other court could take cognizance of them. The Court of Chancery itself, upon complaint made, investigated the matter on its own authority, without permitting it to go elsewhere, and if it appeared that scandalous matter had been introduced, not pertinent to the matter in issue, the court took upon itself to make compensation to the party injured, by expunging what had been improperly introduced. There were a great variety of courts which had the power of committing for contempt. It was a necessary power. They could not exercise their functions or perform their duty to the public without it. It might be abused. A court might not exercise that cool judgment by which it ought to be directed, but no other court could interfere. The party might sue out his *habeas corpus* and might be brought before a higher tribunal, but if the court which committed him had jurisdiction to commit for contempt, the higher court would leave him to that jurisdiction, however improperly it might have been exercised. Another familiar instance of jurisdiction, was the Court of Chancery having care of property, and necessarily employing many agents. If matter of complaint arose against the agents in the exercise of their functions, the suitors could not apply to any other jurisdiction than the Court of Chancery. Whatever their misconduct might be, though it might entitle a party to ask compensation by action in an ordinary case, still the Court of Chancery did not permit the suitor to resort to any other tribunal; but inquired into the injury complained of itself, and awarded compensation, or punished the officer if the case was made out. This was essential to the exercise of its functions, and it illustrated the principle, that the necessity of a particular jurisdiction being conceded, it immediately followed, that the exercise of that jurisdiction must be left to that court, or tribunal, or assembly to which it belonged. It was indispensably necessary, both from the nature of the duties the Houses of Parliament had to perform, and the analogy of all courts, that having the power of printing, the discretion as to the extent and manner of exercising it must rest with them. The decisions of the Court of Queen's Bench established this—that the party against whom an action was brought for libel was not protected by showing that he had published it by order of the House of Commons. Precisely the same question might arise upon a publication of their Lordships' House. Their Lordships ordered papers to be printed and published. He omitted the sale, because it had nothing to do with the consequences of the present state of the law. Suppose their Lordships to exercise their privilege by appointing an officer to publish a document. Then, as it stood decided, the officer could not be protected from the action of an individual complaining that the document was a libel by showing that he acted by an order of their Lordships. But their Lordships could not exercise their right of publication without employing some agent, and, therefore, the question was left in this singular predicament. The right of the House was acknowledged, at least it was not questionable by any body, but any one through whose agency it might be exercised, was liable to action in obeying their Lordships' order. Therefore, unless printing and publishing were to be prohibited, it was necessary to protect the agents appointed to perform their duties. The bill proposed to give that protection. It assumed the accuracy of the law laid down. The consequences of that law were such as to hamper and interfere with the ordinary functions of Parliament, and the bill proposed a simple and effectual remedy, and at the same time, a remedy the least likely to lead to any conflict between the high authorities of the state that could be devised. The mode of remedying the inconvenience was by making the authority of either House of Parliament a justification of an alleged libel. That principle might be carried into effect in various ways. It might be carried into effect by declaring that the authority of the House should be a justification, and that the party against whom the action was brought ought to plead that he was acting under the authority of the House. That course might lead to protracted litigation. The question could not be decided until a jury had ascertained by a verdict whether the fact alleged was true, namely, that the party had been acting under the authority of the House. It was quite immaterial to the party complaining how the matter was done. If he was to be barred by the authority of the House, it was immaterial to him how it was accomplished—whether at an earlier stage or after an action had been tried. But it was very material if it was the object of Parliament to provide a remedy for the present state of the law, and to avoid, if possible, those unfortunate conflicts between different authorities in the state. There were two other modes suggested of carrying the same principle into effect, which bore a close resemblance to each other. One was, that an order or certificate of the publication having taken place by order of either House of Parliament should be sufficient, on being brought into court, to make the court stay the proceedings. The court should be obliged to stay further proceedings in the action upon a certificate that the subject matter arose under the order of the House. If nothing more was said, the enactment would of course require an application to the court, and it would require the act of the court to stay proceedings. This plan, therefore, might bring the two authorities, although not to the same extent, into collision. The bill proposed what was not quite the same, but what was very much like this plan. It proposed no application to the court, but simply, that on a certificate of the authority of the House being brought to the officer of court, the production of the certificate being fortified by affidavit, the officer should at once stay proceedings in the matter. This mode of proceeding would allow the object which was desired, and was less likely to bring the two great authorities into contest than any other. It did not differ much from the other plan to which he had referred, but seemed less likely to lead to an injurious contest. There was no ground for complaint against this plan, and he was not aware of their being any objection to it. It was quite clear, that it could not be considered any disrespect to the court, because there were very many instances in which the same thing was done, and in which it was the business of the officer of the court to stop proceedings without any application to the judges. He trusted their Lordships would be of opinion, that the provisions were expedient to remove the possibility of collision, which, if it occurred, must necessarily prevent the good which it was the object of the bill to effect. So far as related to the prospective effect of the bill. It also proposed to stay any actions which had been brought since the commencement of the Session, or now pending, for the exercise of the jurisdiction of the House of Commons, under the name of privilege. He apprehended their Lordships would have no difficulty in acceding to that part of the bill, because it was quite obvious that if actions were permitted to proceed, it would be a violation of the order of the House of Commons, and a violation of what their Lordships would declare, if they passed the bill, ought to be the right and privilege of the House of Commons. There was one further object, which did not immediately grow out of the subject of printed papers, though it was connected with the same history. Their Lordships were aware, that there being an order of the House of Commons against proceeding in an action, the attorney was guilty of a violation of that order of the House. This case was made the subject matter of another action, and though this was an action of a different kind, it was so connected with the former action, that he believed their Lordships would find no difficulty in the proposition for staying both. He understood that a petition had been presented by a noble Lord, praying that the individual referred to might be heard at their Lordships' bar, but this was a question which would more properly come into consideration at a future stage of the measure. If he (the Lord Chancellor) were asking their Lordships to enable the House of Commons to do that which they had not done before, no doubt this would be a very serious demand, but all he was asking of their Lordships was to give effect to that which had been the practice of the House of Commons for, at least, the last two centuries. That this practice of that House was a right course was shown in the fact, that during that period no action had been brought, no complaint made against the House of Commons. The public had always acquiesced in what had been done, and he (the Lord Chancellor), therefore, apprehended that their Lordships would at once admit, that the present proposition was very different from one tending to introduce a new system. The case was simply this. That a difficulty having arisen, and the law being such as not to enable the House of Commons to exercise their duty without incurring much inconvenience in certain cases, it had been deemed advisable to place the matter on such a footing, by legislative enactment, as would enable that House to exercise their privileges without any such inconvenience, and to protect their officers, a matter equally important to both Houses of Parliament. The noble and learned Lord concluded with moving that the bill be now read a second time.

Lord *Denman* was anxious to take the earliest opportunity of saying, that he thought their Lordships would best consult the public interest by acceding to the motion of his noble and learned Friend. It was impossible that any one could have brought the measure which was the subject of that motion before their Lordships in a more candid and considerate manner than his noble and learned Friend had done. But the nature and tone of those discussions which for the last four months had occupied the public mind would make it appear not unnatural for him to offer a few observations to their Lordships, for the purpose, he trusted, of removing the misconceptions which appeared to have generally prevailed on this subject, to rescue persons who had done nothing but their duty, from that undeserved censure to which they had been subjected, and to state the only grounds which, upon his view of the case, justified the adoption of a great, an extraordinary, but at the same time, a temperate measure. He would proceed at once to state the facts on which so much misconception had prevailed. An action was brought more than three years ago, and came on for trial in the Court of Queen's Bench, where he had the honour to preside. But he would take the liberty to observe, that that was not the first proceeding of importance in the case. On the very day before that upon which the cause was to be tried before a jury, the House of Commons entered into a debate upon the subject in dispute, which debate appeared early the next morning in the public prints. Not only upon some preliminary proceedings in the course of that action, but upon an order made by some of the judges, the House of Commons had thought fit to entertain a debate whether or not they should interfere with the usual course of the law. He must state at the very outset his strong conviction, that if anything of that kind was to be permitted in this country, there was an end to the boasted freedom of the subject, and the independence of our legal tribunals. If, whether by a King's letter, or by a resolution of either House of Parliament, or by the intrusion of any great authority of the State, such an interference was to be permitted with the courts of justice of this land, he repeated, that they would be divested of all credit and stability. The trial came on, the individual preferred his action for libel, and the officer of the House of Commons was defended by most able counsel. After the cause was opened, it was clear that there were several defences. In the first place, it was a question whether the publication complained of was a libel at all or not, and then, if there was any other justification than that pleaded. He had great doubts at the time whether it were a libel, and he expressed those doubts very strongly, and thought, from the nature of the discussions which took place, it was extremely to be questioned whether it were a libel or not. The Attorney-general thought fit to give up that point, and then the question was, whether the justification of the truth which had been pleaded was or was not made out satisfactorily to the jury. It was made out satisfactorily to the jury under the charge which he thought it his duty to lay before them, not at all concealing his opinion, that the justification was made out. The jury came to that conclusion, and the defendant was acquitted on that ground. But the learned Attorney-general thought it his duty to put forth another defence, arising from certain resolutions passed by the House of Commons in the years 1835 and 1836, in the former of which they determined that they would make all that they printed and published for the use of Members accessible to all mankind at the lowest price. Secondly, they determined that this sale of papers so printed and published should take place under the authority of the House of Commons. Here alone it was that a difference arose between his noble and learned Friend and himself. When his noble and learned Friend said, that nothing had been done but what had prevailed for upwards of two centuries, he must take the liberty of saying, that what had been done was entirely novel and unsupported by custom. The effect of the general resolutions of the House of Commons appeared to be, that privilege was to be exercised, not in reference to an act of indiscretion in any particular case, but for any public purpose, and in the discharge of any one of the functions imposed by the constitution upon the House of Commons. It therefore struck him, that the only ground of justification was to state, that the House of Commons had the power, in the name of privilege, to do whatever they chose to call by that name, and in consequence of the course which was taken by the House of Commons, and by his learned Brother, he felt it to be his duty, on the part of the people of England, to take the ground he had taken, and to say, that he did not admit the name of privilege as claimed, and would not give it the name of law. He might have expressed his opinion too warmly and too largely, but that the doctrine he asserted was right he was firmly persuaded at that moment, and he felt, that if he had thrown a doubt by any delay upon a proposition of this importance, which was so clear to himself, he should have betrayed that duty which he was placed in the court over which he presided principally to discharge. Was he right in supposing, that that was the ground on which alone such resolutions could be defended? A committee of the House of Commons met to consider this question, and framed a most learned report; they entered into a full discussion of all the authorities on both sides, on both the history and the law of the question, and they came to these conclusions: first, they stated the necessity for the publication of papers; secondly,

> "That by the law and privilege of Parliament this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament,

is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure and to the punishment consequent thereon;" and thirdly, "That for any court or tribunal to assume to decide upon matters of privilege is inconsistent with the determination of either House of Parliament, and is a breach and contempt of the privileges of Parliament."

Was that, then, the justification for their publishing those documents, as though they must have a right to sell all that they printed because they had a right to do all that they pleased? He did not understand that to be the law of England. He wished most sincerely that those Gentlemen, who he was sure felt a strong conviction of the truth of what they were stating, having reasoned it out in their report as they had done, had refrained from using language involving menaces and threats against the legal tribunals of the country, which could not have any effect upon their decision. He believed that if such language could induce the courts of law to form any different opinion from that which their own sense of justice and and conscientious view of the law indicated, the House of Commons would deplore such a result. In consequence of those words, of which he had no doubt the individual took advantage, a second action was commenced; and in this second action the sword of truth was thrown away, and the sword of power was resorted to; and those resolutions were brought before the court as laying down the law of the land. In the first instance he was bound to give his opinion upon the law upon which he was desired to direct the jury; in the second place, the judges were bound to give their opinion in the demurrer raised to the second action. Therefore did he repel with indignation the insinuations which had been thrown out elsewhere, that the judges had come as volunteers into this question, and that they came to assert a power in this case which they declined to exercise in another. The judges were called upon to act; they had no choice of remaining quiet and indifferent, but they were bound to deliver their opinion on the question when it was brought before them. He would not enter particularly into the meaning of these resolutions of the House of Commons; but it seemed to him that if they were the law of the land, the people of this country had been mistaken for years and centuries in thinking that they lived in a land of freedom. For if the House of Commons could say—"We are the sole judges of the existence and extent of our privileges," it was but the power to create privilege, in spite of the law, and, as soon as the law was passed, to dispense with it and supersede it, and that, in fact, the country must be ruled by their privileges. That was the extent of privilege claimed by the other House of Parliament. But when had their Lordships claimed such privilege for themselves? On one of those great occasions when the question was mooted—in the case of "Ashby v. White,"—a resolution was adopted by their Lordships' House, which remained on the journals, and never had been repealed, and which expressly stated that neither House of Parliament had power to create any privilege but that which was authorised and supported by the law. How utterly inconsistent was that with the practice of the other House of Parliament! How different was that resolution from the resolution adopted by the House of Commons! Why, if both Houses of Parliament enjoyed such powers as were claimed by the other House, they would clearly be beyond all control, except at that unfortunate moment when they might happen to come into collision with each other. He wished to know at what period in the history of this country and its constitution this power was first founded, of either House of Parliament strictly having the entire control and managing power of its own great resources with respect to privileges. In following up this question it would be necessary to give some degree of consideration to various circumstances and incidents which had transpired in past times. Now, as to the right of either House of Parliament declaring its own privileges, there was a remarkable example in the time of James I., that it did not exist, because there was an unfortunate man named Floyd, who, for speaking some light words of the Elector Palatine and the Electress, was sentenced by the House of Commons to lose his rank in society, to be scourged, to be pilloried, to be imprisoned, and to have his fortune confiscated. Now, see the difference of the conduct of the House of Commons in that day. The House of Lords said to the House of Commons, "This is no business of yours, this is our business; we will take upon ourselves to punish this individual; you have no right to do so." What was the answer of the Commons? That either House of Parliament was the judge of its own privileges? No. On the contrary, they said, "You are quite right." They made a submissive apology, and only desired that their Lordships would not make the sentence on the delinquent less severe than they had made it. The same sentence was in the same terms passed, and carried into effect. Now, suppose the House of Commons had carried this sentence into effect, what would have been the result of going into a court of law? If he had sued his *habeas corpus*, and the return had been a general warrant far contempt, he must undoubtedly have been returned to his imprisonment. But supposing in the case of confiscation the question had arisen as to the disposal of property, notwithstanding the confiscation by the House of Commons, he apprehended there could be no doubt that the property would have been restored to the unfortunate man. But then, when the sheriff came to restore the property, what would become of the sheriff? He would be imprisoned in a dungeon, and made the object of the base buffoonery of those servile retainers of power, who never love it until it acts with injustice, tyranny, and oppression. He confessed that he could scarcely express himself on this subject without feelings which he was anxious to repress. The man Floyd was represented in that very House of Commons, which recommended the House of Lords to pass that severe sentence upon him which they had first imposed. If it were said he was only an individual, and an individual must suffer for the good of the people, he would ask, how had this privilege operated with respect to the great mass of the people? Because, if there was one right above all others in which the great mass of the people were interested, it was that of petitioning Parliament upon the conduct of the great public officers of the country. In the time of Charles II., a more enlightened period than that to which he had last referred, certain subjects of the Crown thought it not convenient that Parliament should be called at the time proposed, and they petitioned the King not to call the Parliament together, in the exercise of a most undoubted right. As soon as the Commons met, they said that this was a breach of privilege. "Because you thought," said they, "that the Crown would do wisely not to summon us together, for this you will be sent to gaol." Accordingly, one of the most important cases upon record arose. It was quite plain, that if that privilege of petitioning was to be interfered with, it would very soon follow that the House of Commons would punish a voter who had voted for an unpopular candidate among themselves, or they might inquire who voted for local officers, and punish them, or what newspaper a publican was in the habit of taking in, and punish him for not taking a different one, or do anything else that their jealousy might suppose to be dangerous to their privilege. In consequence of that decision of the House of Commons, one of the King's subjects was arrested by the sergeant-at-arms, imprisoned, and money—about 30*l.* (no small sum in the time of Charles 2d)—was extorted from him. An action was brought for false imprisonment, and for the extortion; the latter act no one accounted a lawful one. The jurisdiction of the House was pleaded, a demurrer was taken, and the judges overruled the plea. After the revolution, and after the passing of the Bill of Rights by the convention Parliament, the two judges of the land who had decided the case, and awarded damages to the plaintiff, were brought to the bar of the House to account for their conduct in so doing. It was disgusting to think that two honourable Magistrates of this country should have been called upon to answer for what they had done,' when they had done nothing but their duty, and there was no pretence for exposing them to any such investigation, nor was any privilege at all invaded. But if the right to petition was a high breach and contempt when no Parliament was sitting, how much greater must be the contempt of petitioning when the Parliament was sitting, and to state in the petition any disapproval of the conduct of Parliament! A petition was presented in the reign of King William, requesting the Parliament to aid the King with more power against France, the petitioners thinking that not enough had been done. The petition came from Kent, and contained language which was, perhaps, rather strong, but not very extraordinary. The gentlemen who presented it were some of the grand jury of the county of Kent, and they were actually sent to gaol as persons who had been guilty of a breach of privilege. They were defended by the most popular of all writers in those times, De Foe, and by Lord Somers, who wrote a tract on the right of petitioning, and a remonstrance against the treatment which the petitioners had received. He did not mean to repeat the statements of those writers, but to advance some general arguments in support of his opinion on this question, in answer to those who had impugned it in another place. In one of the resolutions in which this unlimited power was claimed, it was asserted to be necessary to contend against the Crown on certain occasions, and to prevent the Crown from being too strong for the people. But what would be the consequence, supposing, instead of contending against the Crown, it was to contend with the Crown and against the people, which was the case for a long course of years, during the whole of the latter part of the 18th century? During the whole of that period, the popular party in this country were constantly contending against the unwarrantable assumption of power by the House of Commons. Every one must recollect the language of Lord Chatham, with which he would not trouble their Lordships, for he was quite sure that after that they would be unwilling to listen to anything coming from himself, when that great man condemned the conduct of the House of Commons, and asked to what end they had been so long contending, if that arbitrary power which had been placed in the hands of the Crown, was now to be transferred without diminution to other holders. Lord Chatham spoke most strongly against delegating such power to a popular assembly, and then the great popular writer of the day, "Junius," took up the argument, and pointed out the fatal consequences which would ensue if such power were consigned to the possession of an irresponsible body. What he was now saying had reference to the pretensions set up by the House of Commons of an exclusive right to judge of their privileges, and thereby to create privilege. It was necessary to make a stand in the courts of law against assertions of that description, when they were put forward; and in the case of Sir F. Burdett, in 1810, it was remarkable that the number of those who wished to prevent any appeal to the law on the subject of the committal of his hon. Friend amounted to no more than fourteen. There were only fourteen persons who thought that it was not a fit and proper thing to submit the exercise of the privilege to the decision of those courts which were bound to know privilege as well as every other part of the law, and which, on that occasion, decided in favour of the privilege. He was aware that it had been supposed that the great popular party on that occasion took the high privilege ground, and so some of them certainly did, in their declarations; but when the matter came to be considered, they found that it was impossible, consistently with justice, to prevent that course from taking place, and for this reason—that it was possible that the warrant itself might have been exceeded by the officer who executed it, and therefore injustice would have been committed by not allowing Sir F. Burdett to question all the acts committed by that officer under colour of the warrant, which would only justify him in going all necessary lengths for the execution of justice. On that occasion, however, there were some great exceptions to the list of liberal Members of Parliament, who supported the doctrine of privilege in its utmost extent. Lord Erskine, who was then in that House, Sir S. Romilly in the other House, and Lord Brougham, at that time also a Member of the House of Commons, took a most decided part against the notion that privilege should supersede law. He mentioned the last name more particularly, for the purpose of asking whether there were any room for making it a matter of accusation, when that celebrated man, the prop of popular rights, and the ornament of the popular cause, delivered that opinion in the House, and afterwards defended and illustrated it in the case of Lord Wellesley, and whether any motive could possibly be attributed to him for taking such a view of the subject, but that of a general regard for the constitution of the country, and the rights of the subject! He had felt so painfully certain of the collision into which he was likely to fall, in consequence of the doctrines which were maintained by the supporters of privilege, that on the day when he had been called upon to deliver judgment in the case of Stockdale, he had, in the confidence of friendship, communicated to him his apprehensions of the situation in which he was likely to be placed, and his sentiments respecting it; and it was with great comfort he recollected that Lord Brougham stated it to be his opinion that the doctrines which he (Lord Denman) had explained, were such as were necessary to be laid down, and that the language he had used was such as was rendered absolutely necessary by the nature of the case. This great power, this large and indefinite assumption of pronouncing on privilege, was not claimed by the present bill. He had the satisfaction of thinking that the House of Commons did not put forward their claim to the protection of printed papers on any ground of that description, because if they had still persisted in this assertion of extravagant privilege, now that it had been brought into question and contradicted in a court of law, they would not come to complain of a mere impediment being thrown in the way of the circulation of a few papers, but to complain that the constitution had been violated, and that the infraction of its principles must be stopped. On the contrary, they came forward to claim a remedy for a very small portion of the inconvenience that now existed. These were the observations he had to offer on the first part of the judgment of the court; the second part of the judgment was of a totally different character. The question was as to the existence of the privilege of publication in point of fact, and certainly there was no more comparison between the importance of those two questions than there was between the existence of a free constitution and the particular mode in which certain details should be brought into operation. This part of the case did not at all vary the problem of law as to the right of the courts to judge of privilege, but placed the matter on a footing entirely different, reducing the question to one of fact, which might be doubtful, and on which persons might decide differently, according to their own view of the evidence. He, for his part, must say, that in the antiquarian controversy which was opened in the course of the able and elaborate argument delivered before the judges, the historical research which was produced appeared to him to fail altogether of making out the point sought to be established. To him it appeared completely unsatisfactory, as it did also to his learned brothers on the bench, who he was sure were as unbiassed as any judges who had ever sat in a court of justice, and who examined every statement and argument with a degree of study, of care, and of self-restraint, such as any man who was called upon to exercise the judicial office might well be proud of. He would abstain from entering into any review of the arguments on which the conclusion announced in the judgment of the court was founded; indeed, the length of the judgment was an objection which he knew could not be got over. It was such, that he was quite certain the great majority of those who condemned it had never read it; and it was also true, that it was a judgment overruling an argument of the greatest ability and research, which took up no less than sixteen hours; so that the necessity of entering at length into the arguments adduced by the counsel necessarily imposed that character on the judgment. He found that to one subject not less than seventy-six paragraphs of the argument were devoted, and there were 100 on another. Without reference to that argument the judgment could not be clearly understood. From what he had read of the late discussions respecting privilege, although he had not had the opportunity of following them fully, the question as to the protection of papers seemed now to be put on rather different grounds from those on which it was made to rest before the judges. The ground on which it was claimed seemed now to be, that the House could not do without it, that they could not legislate wisely without possessing it, always remembering that the privilege of indiscriminate sale, of unreserved publication, and wide circulation, was claimed without reference to any peculiar case, or any particular function to be executed. He had most carefully endeavoured to find why the House should exercise such a privilege, and what were the functions which required it, and had not been able to discover. The reasons alleged appeared to him such as would not bear out the proposition for a moment. It was said, that the House must satisfy the people of the grounds on which they passed laws. Was it to be said, that the House was to proceed on *ex parte* statements, on statements made by parties who had an interest in the matter to be decided on statements proved to be false? Was it satisfying the people of the grounds of their legislation to expose written slander to sale and circulation throughout the kingdom? They were told that the House of Commons must be able to vindicate their own conduct to their constituents. Was that to be accomplished by slandering absent individuals, by the indiscriminate sale of printed calumny? The House of

Commons declared that they were averse to go to their constituents and tell them that every petty court in the kingdom had a right to judge of the existence and extent of their privileges. The House of Commons said, that it was their duty to inquire into all delinquencies,and no doubt in all the circumstances for which they possessed that power, they must possess the power of vindicating their judgment. Was that to be done by the premature circulation of evidence taken *ex parte?* Was it not rather, at least according to the principles of English law, conformable to practice that enquiries of this kind should be secret, and not brought forward before the party accused was fully informed of the charge against him? It was said that the House, among other high duties it might have to perform, might be called on to deliberate on the best mode of excluding the heir apparent from the succession. He asked, was it the proper mode of doing so to poison the public ear by false statements with respect to facts, false not on political grounds merely, but in themselves? Here again history afforded a very remarkable example of the dangers to which an abuse of the privilege of publication might lead. They all knew that one Dangerfield, in order to recommend himself to the House of Commons, in the reign of Charles 2nd., had deposed before the House a mass of the most enormous falsehoods, which the House thought proper to circulate through the country, and sell for the benefit of their informer. Was that the mode in which their Lordships would proceed if called upon to legislate with respect to the right of the heir apparent? Certainly the very contrary mode would be that which their Lordships would adopt. It had even been held out, by way of an *argumentum ad hominem*, and an *argumentum ad absentem* too, that the House might proceed against the judges themselves. Would they do it without hearing them — without giving them an opportunity of rebutting the slanders thrown out against them? He would tell them in what way those inquiries ought to be conducted, because he had had experience of them. It happened to to him, when a Member of the House of Commons, to bring the conduct of a certain judge in the principality of Wales under its notice, unwisely, perhaps, with the view of inquiring whether he were fit to be continued in his high office. He had not sought to prejudice that judge's cause by *ex parte* statements, but had called upon him for his defence. He had communicated to him the nature of the charge, had appointed a counsel and attornies to cross-examine the witnesses against him, and had allowed him to bring fresh witnesses of his own, and then he had left it to the House to proceed and say, whether or not it was a case for their interference. That was the way, he took the liberty of saying, in which not only every judge, but every public officer, against whom an accusation was brought, ought to be treated by the House of Commons. But if they wished to take the course of abusing the privilege of indiscriminate sale, he saw nothing but mischief likely to arise from it. As an example of this, he would refer to a document which he was sorry to trouble and disgust their Lordships by even alluding to. A petition was presented in the year 1836, after the resolution for the sale of papers was passed, against the present Lord Chief Justice of the Common Pleas, whom he would not affront by pronouncing a panegyric upon, one of the most honourable and excellent men who ever lived, denouncing him as the most fraudulent, corrupt, and malignant offender, that ever disgraced the bench. The course he had pointed out was that which he had no doubt which their Lordships would think ought to be pursued; but what other result but mischief could be expected to flow from indiscriminate publication and sale? Statements made in such petitions as that to which he had referred, could do no harm if they were investigated, but, being made upon no responsibility, they might, when circulated through the country, prejudice the characters of unoffending persons with those who were ignorant of the facts. The case of Stockdale was itself a remarkable instance of the mischief of indiscriminate sale. The inspectors of prisons found a book in Newgate which they considered to be obscene and immoral, and they stated their opinion in their report to the Secretary of State. The Court of Aldermen were affronted, and answered that it was not an improper book, but a scientific work. This was too bold. They might have asked to see the book, or the inspectors might have said, that though a scientific book, it was yet improper for a prison, and, therefore, that the objection of the court was groundless.

But they said, instead of that, "We will prove the infamy of the book by proving the infamy of the man;" and that man, it must be observed, might have been one of their Lordships, or one of the most respectable persons in the Queen's dominions. It might have been a young man rising into notice, who might have been utterly ruined and undone, his reputation blasted, and prospects of advancement cut off on account of this very book. In the case of Polack, that gentleman came before the committee of the House of Commons on New Zealand, and gave an opinion as to what was the course best to be taken with respect to that island. Another person came before the committee and said, that he was not to be believed on his oath, and thus, when a witness came before a committee of the House, his character was made public property for every enemy to fire at, and the slander was circulated throughout the country at the charge of three halfpence. With regard to the accuracy of the judgment which had been delivered, he was satisfied that never was there a court more willing to acknowledge any errors they had committed, or more willing to bow with the utmost deference to the superior authority of another court. It had been said, that in coming before the court, the parties were only binding themselves for a time to a species of arbitration. That was not a just view of arbitration, for the office of arbitration might be declined, but the judges were bound to decide the cause according to the best of their own judgment. He had seen lately that a return had been ordered of the number of judgments in the Court of Queen's Bench taken to a court of error, and the number of rehearsals, he supposed, for the purpose of showing that the Court of Queen's Bench was a very fallible body—a proposition which its members were at not all disposed to contradict. That return showed, that during five years twenty cases had been removed by writ of error, and in ten of these the judgment had been reversed. This was not, perhaps, a thing to be much wondered at, when it was considered that not less than 6,000 judgments were given in that court in the course of five years. He thought, however, it was clearly proved, seeing that half the judgments were reversed, that the courts of error were not particularly reluctant to examine or reverse the judgments of the Queen's Bench. He asked, then, if the judgment in the case of Stockdale was complained of, why was it not taken there? That judgment was treated by some persons as if it were something altogether absurd. Would ten judges in the Court of Exchequer Chamber have hesitated to examine that judgment, and if erroneous, to reverse it? Would their Lordships have hesitated to do, as if it had been brought from the Exchequer Chamber to that House? And if the judgment of the Queen's Bench had been in favour of Hansard, would the House of Commons have prevented all appeal, either to the Exchequer Chamber or to the House of Lords? They had not done so in the Burdett case. Their Lordships would certainly not have been unwilling to establish their own privilege, which was said to be at stake with that of the House of Commons. Why, that decision was unquestioned, and had thereby become law. He must, with all deference, express his opinion as a Member of Parliament, that many things had been most unfortunately advised in the course of these proceedings, because in the second action no counsel appeared for the defendant, so that not only had there been no truth pleaded, but there was no one to make any statement for the defendant in mitigation. On the third occasion, neither privilege was pleaded, nor truth, and the consequence was, that the damages were increased from 100*l.* to 600*l.* He did not wish to speak on the subject of the imprisonment of Stockdale, because he had had recourse to law, or of the attorney, because in the exercise of his profession he had undertaken the defence of his client, or of the attorney's clerk, because he had executed the orders of his master, but he did wish to say one word with respect to the sheriff, because it did seem to him if they were called upon to give, even by implication, the smallest degree of confirmation to what had been done to this functionary, that it was utterly impossible to receive this bill at all. The sheriff had received the money of the defendant, but he was bound to pay the money over to the plaintiff, and was in fact as much the plaintiff's trustee as any of their Lordships' bailiffs who had received the rents of his employer's estate. He would have been punished by the court if he had declined to pay over the money which was levied by its authority, and the court again had no right to decline to attach him. The sheriff was desirous of complying with the wish of the House of Commons and restoring the money to the defendant, but it became the duty of the court to see that the money paid to the plaintiff as his due, and for obeying the order of the court the sheriff had been forced to undergo greater penalty than, he believed, the majority of convicted felons in this country endured. He confessed that he thought the state in which the case at present stood rendered it highly reasonable and proper that the legislature should interfere. It was most fit that they should consider whether the interposition of the legislature should not be resorted to to prevent more actions being brought, or even to stop those already commenced. As to the grant of compensation to the plaintiff, it would take much argument of counsel to persuade him that 700*l.* was not full compensation for all the injury that had been suffered. The claim for protection to printed papers was now made chiefly on the ground that, in point of fact, publicity was already given to such documents. Debates were published on the morning after they took place, and the proceedings before committees were communicated to the world in the same way; and in all cases half publicity was mischievous. Looking at the necessity of the case, it was infinitely better that publicity should be given to such proceedings, guarding against its abuse. It was impossible for that House, or for any other court, to inquire as to the exercise of discretion in publication by the House of Commons, but he considered that the House of Commons had come under an engagement to look strictly after the exercise of this power. The committee of 1837, on the publication of printed papers, said—

> "To prescribe any positive rule upon such a subject is manifestly impossible. The invariable adherence to such a rule might protect public delinquents from a disclosure of their misconduct, or prevent the notoriety of facts important to the ends for which inquiry was instituted. It appears, however, to your committee (and they think that the practical experience of Members will support the conclusion to which they have come), that it would not be difficult, on a mature consideration of each case wherein the exercise of a discretion may be called for, so to apply it, in the great majority of instances, as completely to reconcile all proper regard for the character and feelings of individuals with the faithful and effectual discharge of public functions. The more essential the privilege, the more urgent the necessity for an exclusive and unfettered authority in deciding upon the exercise and the limits of it; the more important and the more becoming is it to take as much precaution as possible against the infliction of individual injury or unnecessary pain to private feelings."

He thought that when the House of Commons came to ask the assistance of the House of Lords in passing a bill to make such publications as he had referred to legal, it was in effect an undertaking on the part of the House of Commons that they would exercise a discretion in every such case of publication, and that they would take care that no pain should be inflicted or injury done to individuals, or at any rate, if any injury were inflicted, that the cases in which such an injury was done should bear so small a proportion to the general number of cases, that no objection could be made to the privilege in general. On the grounds which he had stated, therefore, he approved of this bill; but at the same time he must say that he entertained strong objections to some parts of the machinery of the measure. Why, he would ask, should the officer of the House of Commons come to the officer of the Court of Queen's Bench, and stop the proceedings which had been commenced in that or any other court by the production of a certificate from the Speaker of the House? He thought, if they might judge from what was said elsewhere, that the object was to insult the courts of law, as if they were not fit to be trusted with any powers which might be brought to bear against the House of Commons. Now, he asked their Lordships whether the judicial authorities deserved such a stigma? He thought it a most unseemly thing that, as provided by the bill, they were not to know what was going forward, and that they should find on a sudden all their proceedings paralyzed by something which had not come to their knowledge. He thought that when the bill was in committee, something might be done to provide against this defect, and that instead of a certificate it might be found practicable to introduce some provision by which all proceedings of the House of Commons should bear the stamp of authenticity at once, so that the proceedings in any action calling them in question might be stopped at any stage. He trusted that their Lordships would not assent to any thing which would imply a censure on the Court of

Queen's Bench. Then there was one part of the bill to which he thought it right to say that he should find it impossible to give his assent, and that was the clause for staying the action brought by Mr. Howard against the officers of the House of Commons. He could not say what wrong had been done to Mr. Howard, and he knew that some excess had been committed, which might come into question on a new assignment, and therefore he could no more see why Mr. Howard should be prevented from suing and endeavouring to obtain a remedy, than why any man's freehold should be taken away by a vote of the House of Commons. He must also say, that he thought that this bill ought to have gone further, and that it ought to have protected every individual who published a report or proceedings in consequence of the authority for publication given by the House of Commons. He thought that every newspaper publisher and every bookseller became for this purpose the officer of the House, and he could not conceive what objection there could be in point of principle, to the extension of the protection to these individuals. If, for instance, there were extracts published, from a report published under the authority of the House of Commons, he should say, that there could be no objection to leaving it to a jury to say whether the extracts were made *bonâ fide* or not, and if the publication was clearly not malicious, then the jury might be directed to find a verdict for the defendant. There was another point which he could not help mentioning, and it was this. It struck him that it would be a most important improvement in the bill, if, whenever the plaintiff in a case of libel had failed on account of a justification pleaded and established, it were provided that he should never have the right to proceed against any other individual for the same libel, but that the defence established in the one case should be a bar to all other actions. He had now troubled their Lordships at some length, and in a manner which he was sure was unworthy this great subject, but he had thought it his duty, in the best way he could to bring before their Lordships the considerations which had weighed with him in dealing with this question, and he trusted that he had said enough to prove that the Court of Queen's Bench had done nothing which deserved to be visited with any kind of stigma; and he could not help thinking, that, however their Lordships might exercise the highest of all their attributes, that of wise legislation, those attributes would be appealed to in vain, if privilege were allowed to supersede the law, or if the laws, when made, were not to be carried into execution by fearless and independent judges.

Viscount *Melbourne* felt great satisfaction in finding, from the general tone of the debate, that no objection was entertained to the second reading of the bill, and he trusted that the same disposition would prevail throughout its subsequent stages, and that their Lordships would be able to carry the bill, with whatever amendments might be considered necessary, into a law. He expressed this satisfaction, because, whatever might be their Lordships' opinion on the proceedings and transactions which had led to the present state of things, it was impossible not to feel that the collision which had taken place between the House of Commons and the Court of Queen's Bench, had been followed by consequences which imperiously called for the interposition of the supreme legislative authority of the state. It appeared to him that such a course was necessary, if they had a regard to the dictates of prudence, and in that point of view he could not help thinking, and he trusted that their Lordships would think with him, that Parliament was imperiously called upon to effect a settlement of this great, this difficult, and, he must add, this most dangerous question. It was in the highest degree natural, and to be expected, that his noble Friend the Lord Chief Justice of the Court of Queen's Bench, who had borne so great a share in these transactions, should take this opportunity of vindicating his own conduct, and that of the Court of Queen's Bench, and of stating the grounds on which he and his brethren pronounced the judgment which had been called in question. He knew how difficult and delicate a thing it was to express any opinion upon the existence of a privilege which had been held, and solemnly held, by the judges of the land, to have no foundation in law. His noble and learned Friend, who was not now present (Lord Brougham) had told their Lordships, in one of the last speeches which he had addressed to them, that it was a matter of the greatest delicacy, and even of impropriety, to find any fault with a decision pronounced by the judges of the land. His noble and learned Friend carried that proposition a little further, and said that their Lordships had no right to find fault with the part that counsel had taken in the discharge of their duty. At the same time it must be remembered, that the judges of this country might not always be, and had not always been, infallible. They were not infallible in the time of Charles 1st, when the question of ship-money, so important to the liberties of the country, was brought under their consideration, and he believed that when the matter came afterwards to be argued, it was agreed, on all hands, that their judgment was not only constitutionally and theoretically wrong, but also legally erroneous. Now, there was no remedy for that judgment, except in Parliament. He thought that Parliament was perfectly right in reversing that judgment, and in declaring that it ought not to be acted upon; but he had always felt that Parliament went a great way when it made the judges criminally responsible for that judgment, because that must have been on the assumption that the judgment was corrupt, which it was impossible for any man to be convinced that it had been, for no man could penetrate into the motives of another. But not only were the judges liable to error and mistake, but there were occasions when it was absolutely necessary to pronounce an opinion upon their decisions, although no one would be ready to do so, unless it were absolutely necessary that that opinion should be pronounced. Now, notwithstanding all the arguments of his noble and learned Friend, he humbly thought that it was due to the privileges of Parliament, and due especially to the other House of Parliament, to say that in his opinion, this privilege of publication was absolutely necessary for the conduct of the public business of the country, and that it was the privilege of both Houses of Parliament, both upon precedent, and upon the reason of the case. His noble and learned Friend said, that the other House of Parliament claimed to establish the right of indiscriminate sale and entire publication. Now, if the Houses of Parliament could not publish generally and make what was published a legal publication, it was impossible that they should publish for the use of their own Members. He said, that without this privilege it would be impossible to carry on or transact the public business of the country, because, if the reports of committees or other proceedings of either House which might contain libellous matter were published for the use of Members, the utility of the publication would be destroyed, if such a publication would subject the party publishing to a prosecution. He asserted, therefore, that it was perfectly impossible that the business of the country could be transacted unless these powers and privileges were possessed by both Houses of Parliament. His noble and learned Friend had stated many cases which had occurred in former times, such as that of the Kentish petition, in which the privileges of Parliament had been grossly abused. Undoubtedly the privileges of Parliament, as well as the prerogative of the Crown, had been abused; but he trusted, that in future, if this privilege, or any other privilege of Parliament, should be abused, it would lead to the consideration and the curtailment of that privilege. But here there was no allegation of that kind; and no abuses of this privilege had been proved to have taken place recently. He quite agreed with his noble and learned Friend in his opinion upon the steps which had led to the commencement of this business, because he thought that the insertion of Stockdale's name was quite unnecessary, and that it would have been quite sufficient to say that improper books had been introduced into the prison which were of an obscene nature; anything more appeared to him quite superfluous. At the same time he thought that no great injury had been inflicted; he did not speak with respect to the character of the man; a libel was a libel, and every one knew was as much a libel when published of the most profligate individual as of the best and highest character in the country. He knew that the case was so in point of law, but it was not so in point of reason. Before, however, their Lordships took away from Parliament such a privilege, it ought to be shown that Parliament was able to do without the privilege. Now, he had no difficulty whatsoever in holding that this was a necessary privilege for Parliament to possess: and with respect to the manner in which that privilege had been vindicated, unquestionably it was not the fault of the sheriffs that they had been imprisoned, when it came to a question between the

Court of Queen's Bench and the House of Commons, which was a new authority, and he owned that he did not think that the sheriffs ought to have taken upon themselves to decide the question of right, or to have done anything out of the ordinary course of business. But at the same time the House of Commons must stand by their privileges. The House of Commons would have been wanting in their duty if they had acted otherwise, and if they had resorted to harsh means for the purpose of enforcing or vindicating their privileges, the fault was not owing to them, but to the unfortunate circumstances of the case. The House of Commons possessed no other means of enforcing their privileges, and it was admitted that those means were inadequate to their object. Mr. Burke had pointed out this long ago, and he told the House they had nothing but a Sergeant-at-Arms with his mace, and that they possessed no powers of an executive character. Still it was necessary, in his opinion, that these privileges should be supported and maintained; but at the same time it was most desirable that the present state of things should be put an end to, and he hoped, therefore, that their Lordships would go into committee, in order that a final remedy might be found for the dangers which it presented.

The Duke of *Wellington* entirely concurred with the noble Viscount in the hope with which he had concluded, that their Lordships would go into committee upon the bill, in order to frame such a measure as would tend to put an end to the unfortunate situation in which the courts and the House of Commons had been placed for the last two or three months, if not for the last two or three years. He thought, however, that the noble Viscount seemed to entertain some objection to what had been laid down by the noble and learned Lord in respect to the censure which he supposed to remain on the Court of Queen's Bench. Now, in his opinion, one of the principal merits of the bill was, that it cast no censure on the Court of Queen's Bench. The bill left the judgment of the Court of Queen's Bench exactly where it found it, and no censure at all was passed upon any part of the transaction, so far as the Court of Queen's Bench was concerned. In his opinion this measure was founded on the necessity that the two Houses of Parliament should enjoy great and extensive privileges, and that each of them should have the means of judging of and vindicating its own privileges. It was obvious, from what had passed lately, that these means did not exist, and therefore it was that this bill was necessary, and it was for that reason that he was disposed to vote for the second reading of the bill, and to go into committee upon it, in order to render the bill as perfect as possible. But he certainly agreed with what was said by the noble and learned Lord who spoke with so much ability — the Lord Chief Justice of the Queen's Bench—when he stated that the origin of this unfortunate state of affairs was the resolution passed by the House of Commons in the year 1835, that the papers of the House should be printed and sold under the authority of the House. Now, it was true that papers had been printed and published by the authority of the House for many years previous to that period, but they had never been sold before, and he did not think that one instance could be found in which the papers had been sold by the authority of the House. It was true that they had been sold by the officers of the House, but it appeared in evidence that they were not sold by its authority. Now, he must say that he agreed entirely with the noble and learned Lord in thinking that this resolution for the sale of papers by the authority of the House was that which had created and occasioned the difficulty arising out of the recent discussions which had taken place. He likewise agreed with the noble and learned Lord in thinking that neither this bill, nor any proceeding of the House of Commons, nor any intention indicated from any such proceeding, had manifested any disposition in that House to give the public and individuals the security which might be derived from arrangements which they might adopt with respect to the sale of their papers. They did no such thing. The resolution of 1835 remained as it stood originally, and they would commence to-morrow, if this bill should have passed, with these papers, inflicting the same grievances which had already been sustained, without any remedy to the subjects of this country for the injuries which had been occasioned by the publication of these papers. The noble and learned Lord had stated, likewise, what was perfectly true, when he stated that the last report of the committee of the House of Commons upon printed papers had avowed, that not only had no attempt been made to give any security to individuals in respect to the sale, but that all attempts that had been made in order to give security against libels being published in the reports of committees had failed altogether. The report said, it was true, that there were only two instances in which parties had been libelled in these reports; God knew how many more there might be, but they admitted that two cases had occurred. One of these was the case of Stockdale; the other was the case of a libel on a most eminent and respectable individual, the Lord Chief Justice of the Common Pleas. He wished, as indeed everybody wished, that the House of Commons should have the power of printing and publishing its papers. But what he wanted to do was this—that when it proceeded to the sale of them the law should take its course. As to the printing and publishing of papers, he had no objection, until it came to the point of sale. The sale ought not in his opinion, to be made by the authority of the House—it ought to be made by individuals, and they should be responsible for what they sold, as they were previously to their passing of the resolution of 1835; and up to that time it must be admitted that the House of Commons and the House of Lords had the advantage of all their privileges quite as much as they had ever had since. He looked a little further into this question than the mere matter of libelling individuals. He considered all this as the effect of printing and publishing, and the public was interested in its being understood that the House of Commons and the House of Lords were not to be the sellers of libels against individuals. He remembered reading, with great satisfaction, the history of a great case which was pleaded and argued at considerable length some years ago in this country—he meant the case of "The King *v.* Peltier," in the Court of King's Bench. That was the case of an action brought against an obscure individual like Peltier for a libel which he had published upon the Sovereign of a neighbouring country, with whom we were then in a state of peace and amity. Now, he asked their Lordships whether, supposing in the course of the late Polish revolution, the libels, some of of which they had seen printed in this country, and others of which they had heard spoken in the other, and he believed in that House of Parliament, reviling, in the strongest terms, the Sovereign of Russia, had been stated in the petitions or in the proceedings of the House of Commons, and had been printed, published, and sold by its authority—he asked their Lordships whether such a proceeding would not have been calculated to disturb the peace of this country and of the world at large. [*Hear!*] In short he asked their Lordships whether it was desirable, that there should be an opportunity of publishing and selling, on the part of the two Houses of Parliament, libels against the Sovereigns of all foreign countries in Europe? He was one of those who considered that the greatest political interest of this country was to remain at peace and amity with all the nations of the world. He was for avoiding even the cause of war, and of giving offence to any one, and of seeking a quarrel either by abuse or by that description of language which was found in these libels. He was against injuring the feelings of any Sovereign against whom individuals had taken offence, and against whom they sought to publish libels under the sanction of Parliament. Let them state what they pleased in their private capacity, and let them be answerable for it individually, as Peltier was. What he wanted was that Parliament should not, by the combined privilege of publication and sale, run the risk of involving the country in the consequences of a discussion on such subjects, and in all the mischiefs and inconveniencies which might arise from it. Under these circumstances he hoped that in the committee on the bill, some means would be found of leaving the publication by sale in the state in which it was under the common law previously to the resolution of 1835. The noble and learned Lord, in the course of what he had said that evening, had suggested a mode—for the noble and learned Lord's mind went with his on this subject without any communication having taken place between them—which would go to a total alteration of the law of libel. It might be proper that that law should be altered. He gave no opinion on that point at present. What he insisted on was this, that this House and the other House of Parliament should not become libellers by the authorized sale of their papers. Let either House of Parliament print or publish in their votes, or in their reports, what they pleased, but let neither of them proceed to sell them. Let us leave it to individuals to sell them, and let those who profit by the sale, be responsible for the consequences. He should certainly vote for the second reading of the bill, and would go into committee upon it, with a view of amending it.

Lord *Wynford* was understood to concur in all that had fallen from the Duke of Wellington, as to the sale of Parliamentary papers. He expressed his concurrence in the first clause of the bill, but he must withhold it from the second, as it was an *ex post facto* law. He hoped and trusted that it would not pass. He also justified the conduct of the sheriffs, who were bound to look to the Queen's writ, and not to the resolutions of the House of Commons.

Lord *Gage* regretted that the course now adopted at the eleventh hour of settling this question by legislation had not been adopted at the first hour during the last Session. He was far from objecting to the retrospective part of this measure —he was only sorry that it did not redress the past; for the law had been wrested into an engine of plunder by an individual who deserved no sympathy. He thought that the main fault of all these transactions ought to rest in a quarter which had not yet been attacked—he meant the juries who had assessed the damages. To give such damages as 700*l.* in such a case was utterly indefensible in the case of a person like Mr. Stockdale. He looked upon their verdict as a verdict given from political feeling against the House of Commons. From that verdict had arisen much of the inconvenience now felt. He concluded by expressing a hope that their Lordships would pass this bill without curtailing any of its material enactments.

The Marquess of *Bute* agreed with the noble Duke, and the noble and learned Lord who had spoken last but one, that further provisions were necessary to give to the subjects of this realm that protection to which they were entitled, and which was more particularly called for by the manner in which the privileges of Parliament had been exercised during the last few years. He did not wish that remark to attach exclusively to the House of Commons; but this he must say, that the House of Lords had exercised their privileges less annoyingly to their fellow subjects than the House of Commons. No one could take up the volumes of evidence printed by the two Houses of Parliament without seeing that the House of Lords was much more cautious than the House of Commons in striking out the names of parties who were likely to be injured by the publication of their inquiries. What had rendered the House of Commons so bold of late years it was not for him to say; but the matter was most glaring, and what rendered it most offensive was, that the name of the Member asking the obnoxious questions was now invariably printed. When he saw hon. Members calling before them parties filling high judicial stations, and compelling them to answer questions which must injure individuals, he must confess that he thought that no privilege of Parliament ought to shelter those who put such questions. He thought that they ought to be liable to actions in a court of law.

The *Lord Chancellor*, in reply, read an extract from the report of the committee on printed papers, showing that the papers of the House of Commons had been regularly sold from the year 1690 to the year 1777. It appeared from a statement of Mr. Nicholl, that from the year 1729 to the year 1777, his predecessor, Mr. Bowyer, and himself, had, after deducting the expenses, accounted to the Speaker for the profits which they derived from the sale of them; that up to the year 1772 the profits amounted to a sum of 240*l.* a year on the average, but that from the year 1772 to the year 1779 the sale gradually diminished in consequence of the proceedings of the House being regularly detailed in the newspapers, so that at last, instead of producing a profit, it was accompanied by a loss. Whereupon the Speaker transferred their account to the Treasury, by whom it was paid. This established the fact, that up to the year 1779 the practice of selling the papers published by the House of Commons existed. There could, therefore, be no doubt that the papers printed by the authority of the House of Commons were sold with its full knowledge. His noble and learned Friend had spoken of the present sale of papers by the House of Commons as an indiscriminate selling. Now this was not the fact. There were two committees to superintend the printing of papers before their sale. No paper could either be printed or sold without the consent of these two committees being previously obtained.—Bill read a second time.

HOUSE OF COMMONS,

Monday, April 6, 1840.

Minutes.] Bills. Read a second time:—Admiralty Court; Admiralty Court (Judge's Salary); Tobacco Regulation; Parliamentary Burghs (Scotland).

Petitions presented. By Messrs. Villiers, Brotherton, and Campbell, and Sir G. Crewe, for, and by Messrs. Jones, Darby, Pemberton, E. Buller, Sanford, Sir R. Peel, Sir R. Gore, and Lord Eliot, against, the Total and Immediate Repeal of the Corn-laws.—By Messrs. Muntz, Ferguson, and Hastie, and General Johnston, from a number of places, for Universal Suffrage, Annual Parliaments, and Vote by Ballot.—By Messrs. Baines, C. Lushington, and Hutt, from several places, against Church Extension; and by Messrs. Goulburn, Grimsditch, Pemberton, Fielden, Plumptre, Lord Teignmouth, and Captain Alsager, from a number of places, in favour of the same.—By Messrs. Burroughes, Fector, A. Holmes, Sir W. Follett, and Sir G. Crewe, from several places, against any Grant to Maynooth College.—By Messrs. Burroughes, Lowther, Liddell, Wilbraham, Colonel T. Wood, Mr. Darby, Mr. Pusey, and Sir C. B. Vere, from a number of places, against the Union Workhouses Exemption Bill.—By Mr. Blewit, and Mr. C. Lushington, from Monmouth, and one other place, for the Release of John Thorogood, the Extinction of Ecclesiastical Courts, and the Abolition of Church Rates.—By Sir G. Clerk, Sir R. Peel, Messrs. Campbell, R. Ferguson, Sir R. Ferguson, Mr. Pringle, and Lords Powerscourt, and Stewart, from a number of places, in favour of Non-Intrusion.—By Colonel T. Wood, and Mr. Clay, from two places, against Rating Stock in Trade for Parish Dues.—By Mr. Gladstone, from one place, against the Ecclesiastical Duties and Revenues Bill.—By Mr. W. Patten, from Lancashire, against the Beer Act.—By Sir R. Inglis, from one place, against the Clergy Reserves (Canada) Bill.—By Mr. Wallace, from Greenock, against the Inland Warehousing Bill, against the Opium Trade, and for Equalising the Duties on Railway Passengers.—By Lord Mahon, against any fresh Duties on Beer and Salt.

Canada.] Lord *J. Russell* took that opportunity to answer a question which had been put to him the other night with regard to the state of the seminary at St. Sulpice, Montreal. When the inquiry was made, he had not been aware of all the facts of the case; but having since received a despatch on the subject from the Governor-general of Canada, he should conclude by moving that it be laid on the Table. A good deal of discussion had taken place on the subject, and a motion was made in regard to it so long ago as in 1826. At that time, Lord Bathurst wrote a despatch requiring that a judicial decision might take place upon certain questions connected with the claims of this seminary. It appeared that the ecclesiastics of St. Sulpice had certain seignorial rights to Montreal, and possessed various privileges, parochial and educational, throughout the district. The question of their incorporation was not settled at the time Lord Gosford was in Canada, but the commission appointed to investigate the subject had come to the opinion, that though there might be doubts in point of law, there was no ground in equity for disputing the general claims of this ecclesiastical corporation. Lord Seaton afterwards proposed an ordinance with the view of enabling those interested in the seminary, and persons holding property under them, to free their lands, if they so wished, but that was not carried into effect by Act of Parliament. The present Governor-general, also, proposed an ordinance on the subject, which had not yet been sent to this country. He meant, however, to propose to the special council, that the ordinance should contain certain provisions found in the report made by the hon. and learned Member for Liskeard, when he was in Canada with the Earl of Durham. At the same time, he was sorry to say, the Governor-general stated in this despatch, that a good deal of religious feeling had been mixed up with the discussions which had taken place on this subject. Undoubtedly, the ordinance proposed originally by Sir J. Colborne, and afterwards by Mr. Governor Thomson, had been objected to, either, he presumed, upon the ground that the Roman Catholics should not be treated with the same degree of consideration in point of justice and equity as others of her Majesty's subjects, or that they had been treated with too much partiality. It appeared to him, however, to be a mere question of contested property, and so it was treated by Lord Bathurst, Sir George Murray, Sir J. Colborne, and Mr. Governor Thomson; he did not see how it could be considered in any other light. The noble Lord then moved, that there be laid before the House a copy of the despatch recently received from the Governor-general of the Canadas upon this subject.

Ordered.

Ecclesiastical Duties and Revenues.] Lord *J. Russell*, in moving the order of the day for the second reading of the Ecclesiastical Duties and Revenues Bill, said he had on a former occasion postponed it until he had had the opportunity of consulting the Archbishop of Canterbury with respect to a proposal made by a subcommittee appointed by a committee of the cathedral churches upon this subject. That sub-committee had made a report, into the details of which it was not now necessary for him to enter, but the principle of which was this—instead of suppressing a certain number of canonries, and reducing the number, as in the bill, to four, it proposed to retain the present number unchanged, and that a certain large taxation should be imposed on every stall, so as to produce a certain fund for the increase of poor livings. The proposal contained various provisions by which this scheme might be carried into effect. He had now consulted the Archbishop of Canterbury, who was of opinion, having fully examined all the details of the plan, that it was not expedient to abandon the scheme which had been approved of by the commissioners. In that opinion he entirely concurred, and in addition to the intrinsic merits of the proposal, there was this additional reason for going on with the bill as it now stood—that, supposing the plan of the committee adopted, there was no ground for believing that the chapters in general would agree to it, one or two of them having signified distinctly that they did not hold themselves bound by any plan so proposed. There were one or two alterations which he should nevertheless propose in the bill as it now stood. An alteration had been made in the present bill with respect to the number of canonries to be retained in some of the chapels, and especially in that of Westminster. The canonries of Westminster had been attached to parochial charges, and he, therefore, proposed that there should be six instead of four, doing away generally with the proposition of the commissioners, that rich and valuable stalls should be combined with parochial charges. It also appeared to the ecclesiastical members of the commission, that Christ Church, Oxford, partook both of a cathedral and collegiate character, but more of the latter than the former. He proposed, therefore, that there should be two additional stalls, the one to be attached to the professorship of ecclesiastical history, and the other to the professorship of biblical criticism. It was also the opinion of the Archbishop of Canterbury, in which he concurred, that supposing the arrangements of the bill were adopted, the commission, as now existing according to Act of Parliament with respect to bishoprics, should have the disposal of the funds from the suppression of stalls in cathedrals, and that all the bishops constituted by law in England and Wales should *ex officio* be members of it. That was a change which he hoped would do away with any ground of jealousy with regard to the lay members. With regard to the general provisions of the bill, he had further to state, that the Archbishop of Canterbury, the Archbishop of York, and the Bishop of London, were entirely agreed that they ought to adhere to the scheme proposed by the commissioners. He now begged to move that the bill be read a second time.

Sir *Robert Inglis* was willing to admit that the bill on the table, particularly with the alterations now suggested by the noble Lord, was a great improvement upon the bill of former sessions: but he complained that it was still founded upon the same evil principle. The noble Lord had referred to the *contre-projet* of certain members of Chapters, which had been considered and rejected by himself and the Prelates whom he had named. The noble Lord had deliberately preferred his own bill, which was founded on suppression to that proposal which involved suspension only; he had preferred confiscation to contribution. The noble Lord indeed enjoyed an advantage not shared by the great majority on either side of the House, for the noble Lord had referred to a document of the existence of which he was not aware till an hon. and learned Friend near him (the Member for Exeter) placed it in his hand, as the noble Lord was sitting down, and when he could not read it; but that paper contained the very proposals which the noble Lord had rejected: and the House had a right also to exercise their judgment in the same matter. He did not pretend to say that he should himself look with favour on that proposal, so far as he knew it: he could only adopt it as a less evil than the bill on the table. It was a less evil, because it did not actually destroy the integrity of the cathedral system, though it suspended some portions, and reduced the incomes of all. But it still left the legal numbers of each chapter; it still preserved to them their whole property in possession and in management; and instead of confiscating that property to distant uses, only required a stated contribution to purposes near and congenial. How any one friendly to the Church could prefer a plan which suppressed half its dignities, and transferred the estates of those dignities to a common fund, to a plan which preserved all its dignities and left to their possessors the management of their property, he could not understand. The noble Lord had said something about the plan which he had rejected, being objectionable because not final. Now, without entering into the general merits of finality, as applied to public measures, he must say that the plan of the bill provoked further retrenchments and alterations quite as much as the plan rejected. If the graduated taxation suggested to the noble Lord had been adopted by him, it is true that it might have again increased by some other minister, till the whole income had been extinguished; but what security would the Church have, when the noble Lord had reduced the numbers of each chapter to four (with the few exceptions which he had now indicated), that some future noble Lord in the next Parliament might not say, that four were too many; that two would do; and we should come to the hundred Knights of Lear; or the black and white hairs, till all were gone. And who petitioned against this measure? All, or almost all (all, indeed, with the exception of some of the chapters, the bishops of which sat on the commission,) had remonstrated against the measure. The bitterest enemy of the Establishment could not accuse them of any sordid interest in the matter; because their own dignities and their own incomes were preserved. The persons, then, who had the most knowledge on the subject, who were unbiassed on the score of interest, all but unanimously deprecated the measure. Did the parochial clergy, whose incomes were to be increased by it, desire it? On the contrary, the feeling was here also all but unanimous against it. Though the average income of the parochial clergy was far under 250*l.*, and though the funds taken from the chapters were to be applied to augment their incomes, yet they also rejected such unhallowed spoils. He had himself last year presented many petitions from this class of ecclesiastics, disclaiming absolutely all participation in the measure. The measure itself was never contemplated by the King, who issued the commission, or by his right hon. Friend near him (Sir R. Peel), who had advised it. In the words of that commission could be found no authority for its recommendations. They were authorised and appointed to inquire into the state of the cathedral chapters of England and Wales, with a view to the suggestion of such measures as may render *them* most conducive to the efficiency of the Established Church. He prayed the House to observe that the commissioners were directed to suggest measures for rendering, not the incomes abstracted from chapters, but the chapters themselves, the cathedral churches, most conducive to the object in view. His right hon. Friend could never say that the extinction of half their number, and the withdrawal of half their income, realised the object which he had in view when he framed that commission, namely, the rendering the cathedral system, as such, most conducive to the efficiency of the Church. So much for the right of the commissioners to entertain and recommend these sweeping suggestions. He now came to the wisdom of their first great principle; that all chapters should be fixed at the number of four; the two below should be raised to that standard; the great majority above should be cut down. Carlisle was their bed of Procrustes. Yet what said their model chapter to this mutilation of the others? Why, they say (he quoted from their memorial)—

> "That they felt it to be their duty to state they cannot contemplate with any degree of satisfaction the proposal for reducing the number of canons in other cathedrals to the number of four, because they are aware that with that limited number, it is very difficult and often impracticable, to secure the constant attendance of one of the body at daily prayer, more especially when sickness or old age may happen to prevent individuals from fulfilling their own wishes in this respect."

And what, again, says the Chapter of Canterbury? They say,

> "We ourselves have have had at the same time four prebendaries, of whom three were more than 60, and one so much an invalid that he was seldom equal to his duty; what would have been said of our efficiency, if our number had been limited to these four?"

He might quote the representations of other chapters. Yet, in spite of all, the noble Lord persisted in fixing the magic number of four as the standard of all. He believed that this number would be found inadequate to the regular and effectual discharge of their cathedral duties? But were these all their duties? The noble Lord could not forget that to the cathedrals of England, the Church of England, and, indeed, their common Christianity, was indebted for some of the ablest, he believed he might say, the largest and best part of the theological literature of the country. The system which had produced these fruits the bill on the Table proposed to cut down. But it was not only by their contributions to learning and to theology that these institutions were to be valued. Their members were at the head, and justly at the head, of all the diocesan societies of charity and general benevolence. The sources from which these societies derived so large a part of their efficiency, the noble Lord and the commissioners proposed by this bill to cut off, or at least to diminish by one half. Even in the lowest view of the case, the maintenance of the venerable fabrics of our cathedrals, the measure threatened the greatest evil. Could such fabrics be sustained as at present, when half of the means of the chapters shall be withdrawn? Did the noble Lord know that the restoration of every buttress of Westminster Abbey of which seven had been completed, required 1,600*l.*? And that this expenditure, however, necessary, could not be continued by the diminished resources of the future chapter. In the time of the great rebellion the cathedrals were all but exposed to the hammer, and would have been pulled down for the value of the materials, if it had not been ascertained that the cost of destruction would exceed the value of the lead and timber. Another century might see the great cathedrals of England, not indeed destroyed by violence, but ruined by the forced neglect which this measure would occasion; and travellers might look at Winchester and at York, as they now look at Tintern or Melrose. Observe, he did not undervalue the objects to which the incomes abstracted from chapters were to be applied. He admitted, as much as any man could do, the urgency of the wants thus to be supplied; but they ought not be relieved by this confiscation of property, already consecrated to another use. Some of the minor institutions connected with the cathedral system, which are to be sacrificed by this bill, are in themselves of so small a pecuniary value, that no man can claim their destruction for the sake of the money, which they will bring into the common fund; some are not more than 5*l.* a-year. Yet the fifty prebendaries of Lincoln, though valueless almost in annual income, are very important as distinctions conferred by the diocesan; and ought not to be withdrawn from the service of the Establishment. The noble Lord might not know of the case of the Six Preachers of Canterbury. Their income was not more than from 15*l.* to 30*l.*; yet their distribution excited the greatest interest in the diocese. They were the cheap honours conferred by its chief. He did not mean to say that these were the rewards which the Church required; but so long as human nature existed, so long would the fair and honest meed of merit be appreciated by an ecclesiastic, as the distinctions won and wore by the right hon. and gallant soldier whom he saw opposite were appreciated by the army and by himself. So far, indeed, in the present times, was it from being true, that the chapters were animated by low and sordid motives, that there never was a period, when they manifested a more anxious and generous desire to meet the growing wants of the people, and more deeply felt their own responsibilities. They required only in some cases enlarged powers. See how they had used the powers too lately given them, in increasing their smaller vicarages from their own means. He knew one cathedral, Oxford, where they had within a few years secured a prospective increase of income of 2,000*l.* to those poorer incumbencies. A college also, in Oxford had, instead of dividing 2,000*l.* a-year among its fellows, arranged their estates in such a way that the same sources produced 8,000*l.* to the poor vicarages. But while he wished this to continue, he objected to the forced augmentations contemplated by this bill; by which the property of the see of Durham, for instance was taken away to enrich a poor living which, perhaps, had been bought being poor, and might go at once into the market at Garraway's, and be sold for the higher price. The bill not merely involved this result, but hazarded even much higher interests. Did the noble Lord know what was the origin of Cathedrals? They were the missionary establishments of a diocese, from which priests might be sent forth to convert and instruct the people. Could not this purpose be kept in view in giving a direction to the powers of the present system, rather than thus mutilate and destroy it? Could not St. Paul's again be made the central missionary establishment of London, to send forth its preachers into the dense and dark quarters of the vast untaught population? But instead of endeavouring to give new duties, and to preserve institutions, the destruction of which involved the hazard of all property, the bill swept away half the cathedral system, and endangered the rest. He objected to the bill for what it did, and what it omitted to do. Again he said, it shook the foundation of all property. The "too much" as Burke said, was treason against all property. Who had a right to say, that his neighbour holding the lands which the law gave him, had too much; was it a safe precedent? He would concede, indeed, that where ecclesiastical income arose from an increase of population and production, in any particular district, there (the property having been originally granted for the spiritual aid of such district), its produce should be so applied and divided as to minister to the spiritual aid of the population so increased, but he could not go further. He had once before asked, but had never received an answer, what length of time would, in the view of the noble Lord, sanctify an endowment? or, rather, for what length of time, would the sanctity of an endowment endure? He put the case of the late Mr. Tillard of Canterbury, who was said to have left 200,000*l.* towards objects of general good. If he had bequeathed 40,000*l.* to a particular stall in the cathedral of his own city, would the noble Lord have considered that he was at liberty to alienate a bequest in a will, the wax of which was almost hot, and the ink not dry? Yet if he would not cancel a will so made, on what ground could he vary or extinguish the bequests of Anthony de Beke, or the other great northern prelates? He objected to the bill, because it mutilated the cathedral system, violated the rights of property, was deprecated by the great body of the Church, and was fatal to its highest interests. He moved that it be read a second time that day six months.

Mr. *H. G. Knight* said that it was satisfaction to him that the Bill now before the House had been so long delayed, because it had afforded the noble Lord the opportunity of introducing modifications which he (Mr. Knight) thought great improvements, and had afforded time for the preparation and consideration of other schemes, could any preferable scheme have been suggested. The House was now given to understand that all the substitutes had been withdrawn. The House had therefore only the choice of either the plan before them or none; and, for his part, he felt that he could in no better way consult the welfare of the Church of England than by supporting the present Bill. He was aware, and indeed the hon. Baronet the Member for the University of Oxford had informed the House, of the feeling against the Bill which existed amongst persons who are entitled to the utmost consideration. He would not be so base as to impute base motives to them. Let others, if they would, assail them with calumnies that were unjust, and imputations that were groundless. He was well aware that they were actuated by nothing but a deep sense of what they believed to be their duty. But he would entreat them to look at this subject in a large and comprehensive point of view, to remember how long the present plan had been before the public, that it came recommended by the heads of the church; that it was offered to the people as a satisfactory church reform; that, consequently, it was calculated to have a twofold effect, moral and pecuniary, of which the moral part would be neither the least powerful nor the least beneficial. He would also remind his hon. Friend of a circumstance to which he seemed not sufficiently to advert,—namely, that there existed at this moment a great and real emergency, a destitution of spiritual instruction in many parts of the country frightful in extent, and which, if unrelieved, would be terrible in its consequences. God knew he had no wish to humiliate the Church, or to weaken the Establishment, but he did feel that the spiritual wants of the people must, in one way or the other, be provided for, and he could not hope for the assistance of Parliament (strongly as he felt it was the duty of Parliament to lend that assistance) until, to use the words of a noble Duke, whose opinions had become almost oracular, "the Church had done something for herself." There was another reason, for which he thought the Church was bound to come forward on this occasion. On this subject the Church had some reason to reproach herself. He was far from meaning to cast any censure upon the present race of clergy; he knew how superior they were to their predecessors, how exemplary in their conduct, how diligent in their calling. All he meant to allude to was what the clergy regretted themselves, the torpor of the 18th century, those past times in which the Church did not take notice of the multitudes who were springing up in her towns, and demanding her care. The Church had awakened, but past neglect was an element in the present duties of the Church and the present claims of the people. He felt sure that if the Church did not do something for herself, she might continue to reign in her strongholds and fortified places, but she would not be the Church of the nation. But his hon. Friend had said, that the wills of founders must be respected, and that the altar must not be deprived of the service which was its due. But the founders of our cathedrals were all Roman Catholics. They enriched those foundations in order to perpetuate the Roman Catholic religion. How, then, did the Protestant chapters become possessed of those estates? Was it by looking upon the will of the founder as an obstacle not to be surmounted? A few years ago, the chapter of Durham had asked, and obtained, the sanction of this House to the transfer of a portion of their estates to the institution of an University. Did not that transaction put the hon. Baronet's argument in respect of the will of the founder, and Parliamentary interference, entirely out of court? And as to depriving the altar of the service which belonged to it, was that the object of this bill? He should have thought from the language of the hon. Baronet, that this bill involved the destruction of the cathedrals. Had that been the case, no man would have opposed it more strenuously than himself. But he had the consolation of knowing that all the cathedrals were to be maintained, that service would be performed in them, in the same manner in which he had been, all his life, accustomed to see it performed, in the largest and most splendid cathedral in the island—the cathedral of York—in a manner of which he had never heard a complaint. The hon. Baronet had adverted to the loss of rewards for merit, asylums for lettered ease, attractive prizes, nor would he say that these should be disregarded. We have human instruments to work with, and must employ human means. Nor should a diocesan be deprived of the power of testifying his approbation of a deserving minister. But if there were as many prizes left in the ecclesiastial profession as in any other, would not that suffice? Might not good livings be reckoned amongst the number of the prizes? Was it necessary to preserve the non-resident prebendaries of Lincoln and York? But his hon. Friend said he would find them duties. But the question was what duties were most wanted, and in what places? and he must say, that it was not in the towns in which the cathedrals existed. The bill provided for an archdeacon, who might become more efficient, and act as a link between the Bishops and the parochial clergy. It might also be advantageous if a certain number of curates were attached to every see, who should be at the disposal of the bishop, and who might be sent to preach the word in destitute places. But these were not duties which prebendaries could perform; and he could not but be of the opinion, that the stipends of some of the prebends would be more beneficially employed, in part providing for the spiritual necessities of those who were now destitute. He was entirely of opinion that, in the case of suppressions, it would be most just, in the first instance, to restore the tithes to a certain amount to the parishes in which the tithes accrued; and, in the second place, to provide for the necessities of populous towns within the diocese, and this he was happy to see was enacted by the present bill; and whilst he was on this part of the subject, it was fair to state how much had already been done by the bishops and chapters themselves, It was not till the 4th of William 4th. that the law enabled the chapters to part with any portion of their inheritance; but since that time, they had not been slow to avail themselves of their new powers. Most of the poor livings in the diocese of Durham and Winchester had been augmented. Christ Church, Oxford, had acted with great liberality, and many other dignified bodies deserved the same commendation. He was well aware that, though this bill would do much good, it would not do half enough. He was well aware that the exigency was so great that recourse must be had to every legitimate source. There were three great objects to be achieved—the augmentation of poor livings, the multiplication of resident clergy, and a large and perennial fund for the building and endowment of new churches—objects in the accomplishment of which this bill would go but a little way. It was, on this account, that he had wished to see a more equitable arrangement of tenths; that he desired to see an increased value given to the leasehold property of the Church; and when it was once seen that the Church was making such great exertions herself, an appeal to this House for a Parliamentary grant might be made with more confidence, without which, in addition to all he had mentioned, no sensible effect could be made on our great manufacturing towns. But, whilst he was on this part of the subject, he would say that, in order to relieve the present necessities, further improvement should be made in the Church Building Acts; he knew they had been amended, but it was still so much easier and so much cheaper to build a meeting-house than a chapel of ease, that in this way a premium was offered to dissent; and it was most unjust to leave the hands of the Church manacled, and then reproach her with doing so little. It also appeared to him, that in order to provide the endowments of which the hon. Baronet despaired, the laws of mortmain ought to be relaxed. In these days a recurrence of the abuses which had led to these enactments need not be apprehended, and a modification of those restrictions would lead to nothing but good. Something might also be hoped from lay impropriators. He knew the law no longer imposed the original condition; but when the necessities were so great, and the subject was brought into notice, he was willing to hope that great lay impropriators would remember the sacred obligation which was originally attached to that description of property. He should, perhaps, be accused of travelling out of the question now before the House, but he did not think he was, for when he shewed how much more was wanted, he made it the more evident how desirable it was that this bill should be permitted to pass. The hon. Baronet had expressed his disapprobation of a commission, and had intimated that the change might be carried into effect by the chapters themselves. Much had been said and written against a commission. It was to destroy the independence of the Bishops—it was to elevate the minister of the day into a Protestant Pope; but, as it was, did not every Bishop owe his mitre to the Minister of the day? Yet the independence of the right rev. Bench was by no means destroyed, and though he desired to see the wants of the diocese in every case first attended to, yet the fruits of suppressions should not be lavished within any particular district for the sake of consuming them all, and wherever there was an excess, it could only be disposed of through the intervention of a third party. The objection on this part of the subject appeared to be removed by calling upon each bishop, as the bill now does, to be present whenever any matter connected with his diocese shall be under consideration. With this safeguard there could be no doubt that all would be well and judiciously done. He had no apprehension for the fate of the bill in this House, but he did not feel so confident of its success in another place. He only hoped that it would occur to the Prelates who might think themselves bound to hand down to their successors an unimpaired inheritance, that the inheritance would not be impaired if they could point out to districts reclaimed, new congregations, the empire of the church extended, the fold made equal to the flock. It was said this bill was the result of a panic—that the danger was past—that the sacrifice need no longer be made. Let it not be said that the vows of amendment which were made in the hour of sickness were forgotten in the day of recovery. The cry which had been raised against the church, a short time ago, had only the effect of shewing the number of her friends. She found herself much stronger than she had ventured to suppose. But let not this discovery induce her to refuse what in itself was prudent or desirable. She was now in a situation to reflect with composure and concede with dignity, We ask her to assist in administering to the wants of the people, and to give herself an even stronger title to their affections; and he only prayed God that He would be pleased to direct his servants, and induce them to prefer whichever course would be most conducive to the maintenance of his church and the glory of his name.

Sir *R. Peel* said, it was his intention to give his vote in favour of the second reading of this bill. When he appointed a commission for the purpose of drawing up the report on which this bill was founded, he did not do it from any wish for popularity; but he did it from the sincere belief that such was the state of spiritual destitution in some of the largest societies in this country, in some of the great manufacturing towns, that it could not be for the interest of the Church of England to permit that destitution to exist without some vigorous effort to apply a remedy. He thought that if the Church set the example of providing a remedy, it would be a great encouragement to individuals to come forward in aiding the Church—that the Church setting an example of making a sacrifice would be the most likely way to to induce the Legislature to assist the Church; but he was convinced that the Legislature would never consent to come forward without the Church made a sacrifice. He did not regret the number of the canons being restricted, believing that their revenues might be made subservient to the advantage of sound religion. At the same time he had an impression that there was a disproportion between the means of the higher dignitaries of the Church and the means of the minor orders of the clergy—a disproportion which could not be permitted to exist without bringing discredit upon the Church. If he might use the expression, the "staff" was taken away from the working ministers of the Church. Looking at the miserable state of spiritual destitution which existed in some of the large towns of the empire, he believed that it was a positive good to make a reduction in the incomes of the higher orders of the Church for the purpose of supplying that deficiency—that it would have a tendency to strengthen the foundations of the Church, and give it a stronger hold on the respect and affections of the people. He should be sorry, indeed, after having adopted this measure, to take advantage of some temporary abatement of feeling towards the Church for the purpose of receding from the opinion which he had formerly expressed. He firmly believed that the clamour in favour of reform in the Church had been abated by the example set by the Church of making this reduction. He thought they would find that the clamour might shortly be revived, and that then the confidence that was now placed in the Church would be entirely removed, if it were found that the Church had taken advantage of an apparent indifference, caused by confidence in it, for the purpose of receding from a measure which the Church itself had been the first to bring forward. He thought it was also of immense advantage to the Church that it should take the reform into its own hands, and that by a commission composed exclusively of the friends of the Church this measure should be brought forward. This bill was founded on the recommendation of a commission; and he could not express in too strong terms his sense of the gratitude that was due to that commission for the manner in which the members of it had performed their duty. His firm belief was, that those members of the episcopal bench—the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, the Bishop of Lincoln, and the Bishop of Glocester—who formed part of that commission, would find, not only in the satisfaction of their own consciences, but ultimately in the public acknowledgement and grateful feeling of the people of England, ample compensation for their disappointment, when they found their proceedings disapproved of by persons for whom they entertained the highest respect. He believed it would be ultimately conceded that they were the true friends of the church, in taking this reform into their own hands. He did not anticipate from his hon. Friend that there would be any serious impediment in the way of passing this measure; but he must say, if he did, it would only be an additional motive with him for declaring his adherence to the opinion he had heretofore expressed. With respect to the details of the bill, he must say, as a friend of the church, he preferred the recommendations of the commissioners to any of the other plans proposed as a substitute. He thought that the proposal of making vested interests subject to a tax for the purpose of supplying the funds was highly objectionable, and speaking generally, he preferred the principle of the measure recommended by the commissioners to the principle of any of the other plans recommended. He rejoiced to hear that the objections against the permanent commission were done away with by including in it all the bishops. He was also very glad that the noble Lord had anticipated a motion he should have made, to leave the canonries of Christ Church undiminished in number, on account of the academical character of Christ Church. He thought his hon. Friend (Sir Robert Inglis) would hardly maintain that excessive ecclesiastical incomes ought to exist, seeing the absolute necessity there was of providing means of worship in the manufacturing districts. He thought his hon. Friend would not carry his opposition so far as to object to some legislative interference to correct that which, if not corrected, would reflect great discredit on the church. In a measure of this kind the *animus* of it determined its character. The whole of the revenue taken was for the purposes of spiritual education. It was for the purpose of strengthening the working of the establishment. It was requisite that they should widen and strengthen the foundation of the church; if they did not, the ornamental capital would be too heavy for the base; and it was wise in the church to make some reduction in that capital, and in the ornaments that were appended to it, solely for the purpose of widening and strengthening the foundations on which it stood, first by increasing a religious feeling, and secondly, by drawing the affections of the people towards the church.

Mr. *W. O. Stanley* would not oppose

the second reading of the bill. When he saw it supported by the leading Members of the House, he felt sure, that he should only do harm in opposing the bill. There were many points in the measure which he should feel it his duty at another time to bring under the consideration of the House. He hoped that no more of the property of the church in Wales would be alienated. The commissioners were deceived with regard to the church in North and South Wales. There was not so much destitution in North Wales, nor was the church so rich as was supposed.

Mr. *T. G. Estcourt* said, the measure now offered to the House was a measure which could only be designated as one of spoliation and oppression. He was not insensible to the advantages which would arise from the church setting the example of providing for the spiritual destitution which prevailed, nor was he instructed to say that that example ought not to be set. He objected to the commission, as one liable to change in its lay members. Persons might be introduced into the commission as lay members who might be the greatest enemies of the church. The church would not be backward in employing any surplus revenues there might be for the advantage of the church. He entered his protest against the bill, with a full determination to give his vote in support of the amendment moved by his hon. Friend.

Mr. *Lambton* supported the bill because it carried a salutary principle of reform in the reduction. He was anxious that this bill, before it passed through the committee should receive certain alterations to make it meet more completely the spiritual demands of the people. He trusted the noble Lord would not refuse to make the provisions of this bill more in accordance with the prayers of the petitions, showing the want of spiritual instruction in that quarter, which he and his hon. colleague had presented from the county of Durham, and that none of the funds of the church in that diocese should be alienated to the purposes of the church in other districts. Of the want of spiritual instruction, if that needed any proof, he was supplied with abundant evidence by the judges at the late assizes. He would suggest to the noble Lord that it would be wise also to introduce a clause into the bill empowering the ecclesiastical or executive commissioners under it to enfranchise the church property which might be alienated in all cases where they could do it on terms advantageous to the church.

Sir *W. Follett* thought the House was placed somewhat in a difficulty in being now asked to assent to the second reading of this bill without having had an opportunity of examining the documents in its support which had been recently laid on the Table by the noble Lord opposite (Lord J. Russell.) Before he could give his assent to the second reading, he begged to understand whether it were intended to embody the principle contained in the recommendation of the commissioners for the suppression of the canonries and deans and chapters. Until he came into the House he was not at all aware that the Church Commissioners, with the Archbishop of Canterbury at their head, had decided so expressly against the proposal which had been made to them on behalf of the deans and chapters. The noble Lord had allowed the second reading of the bill to stand over in order that he might give his consideration to that proposal, and yet be allowed no time for hon. Members on the opposition side of the House to give it their attention. [Lord *J. Russell* had given notice on Friday of the second reading to-day.] That might be, but he and others were not at all aware when the second reading was fixed for to-day that the proposition which had been made on behalf of the cathedral bodies had been so peremptorily decided against. Moreover, none of his hon. Friends had yet had an opportunity of looking over the elaborate arguments contained in the papers now on the Table. He wished to understand whether by now agreeing to the second reading they should stand pledged to the principle of the suppression of canonries, and deans and chapters. If the suppression were to be general (and on this he wished for a distinct explanation from the noble Lord), he should certainly vote with the hon. Baronet the Member for Oxford, against the second reading of the bill.

Mr. *Hume* expressed his surprise that the second reading of this bill should meet with any opposition on the ground of any imputation of spoliation assigned to its provisions by the hon. Baronet the Member for the University of Oxford, and he denied that it contained any such principle, or that it would in any degree interfere with the interest of any individual. He considered the language which had been used by the right hon. Member for Tamworth that night was much more calculated to support the church than anything he had heard in opposition to the measure.

Mr. *Gladstone* rose to address a strong expostulation to the noble Lord upon the point argued by the hon. and learned Gentleman the Member for Exeter. The House was placed in a difficult position on this subject—for the noble Lord had only delayed hitherto the second reading of this bill in order to give himself an opportunity to consider the proposal of the deans and chapters, an advantage of which he seemed now disposed to deprive the House. He earnestly requested the noble Lord, therefore, to give the House some explicit declaration upon this point. He was not one of those who were opposed to legislation upon this subject, but he thought that this bill was not calculated to settle the question in a proper manner, but rather to unsettle that which it professed to arrange. He believed that the individuals who had made proposals for an arrangement to the Government were not aware, except through the newspapers, that their proposal had been decided against by the noble Lord. He could not assent to the principle of general suppression; and, unless he heard some satisfactory explanation from the noble Lord, he should vote against the second reading.

Mr. *Harcourt Vernon* said, that although perhaps there might be some unfairness in proceeding with this bill without taking into consideration anything that might have been proposed by those who called themselves the sub-committee, he had no misgiving, for his own part, on this question of suppression. If this bill went to suppress cathedral establishments generally, he should cordially agree with his hon. Friend who had just sat down. Such, however, was not the case, and he concurred with the right hon. Baronet the Member for Tamworth, that this bill placed cathedral establishments upon the only ground on which they ought to stand—viz., their obvious and absolute utility. He considered that one or two canons or prebendaries could just as well perform the not heavy duties incumbent upon those officers as four. He agreed with the right hon. Baronet also, that the *animus* in which this subject was treated ought to be taken into consideration. The measure was not, as had been stated, an invidious attack upon the Church, but was a measure which was calculated to strengthen and make the Church more firm. Thinking the measure called for by the deficiency of adequate funds to benefit the people by the extension of religious instruction—thinking that deficiency of instruction was partly owing to the defective distribution of the existing fund—a distribution which this bill was intended to relieve—thinking, also that the House could not fairly approach such a measure as had been suggested by the hon. Member for Leeds until they had done all in their power without trenching on vested rights to improve the distribution, he should give his support to the second reading of this bill. As to the confiscation of which the hon. Baronet below him (Sir W. Follett) had spoken, the hon. Baronet should consider the etymology of the word "cathedral," and what was the origin and object of cathedral institutions. The object of this bill was, that wherever there should be found to exist any degree of spiritual destitution in a diocese in which the canonries were to be suppressed, such arrangement as to that property should be made as should secure its expenditure in the most efficient manner to provide a remedy for such destitution. The hon. Baronet feared that our abbeys and cathedrals would fall into decay; but did he not know that in most cathedral churches there were specific funds for the purpose of keeping them in repair? With respect to the improvement of small livings, it was impossible that such benefices could ever be so greatly increased in value by these funds as to render them, as the hon. Baronet feared, saleable objects. With respect to the distribution of these funds falling into lay hands, it would only be a similar circumstance to that which prevailed with respect to Queen Anne's Bounty. He must say that he considered this measure was called for by the destitution of religious instruction that prevailed throughout the country, and by the deficiency of adequate funds for the service of the Church of England. They could not go with a fair face to seek the assistance of individuals, or ask for their co-operations in the work of church extension, until they had first tried every thing in their power with the funds now in possession of the Church, which did not go to the extent of materially injuring the Church, but of merely diminishing its decorations. There was in this country a great body of the religious public who entertained the most friendly feelings towards the Church, but who at the same time would wish to see a diminution of its sinecure portions. The House ought always to keep in view, when dealing with these subjects, the objects for which the institutions were established—namely, the diffusion and propagation of religious truth. Unless this were had in view, to use the language of Burke, "the hoary head of inveterate abuse would not obtain reverence nor conciliate respect."

Mr. *Baines* expressed himself in favour of the second reading of the present bill, which proposed an application of the sum of 130,000*l.* a year to reward those who were the principal labourers of the Church, and particularly so, as that amount was not taken from the funds allotted to the payment of those who did labour. He did not think that the application of the funds of cathedral livings was by any means a new principle. It had been very strongly adopted by Bishop Burnet 130 years ago, and his sentiments upon that subject, to which he (Mr. Baines) would take the liberty of calling the attention of the House, were remarkably in unison with those of the framers of the present bill. His words were:—

> "We hear much of the poverty of some livings but nothing of the wealth of others, but take it on the whole, no Christian Church has a better provision, and if the lands belonging to deans and chapters who are of no more use than abbots and monks were divided amongst the poor clergy in every diocese, there would be no just cause of complaint unless that bishops daughters do not go off so well as they do now, with a good sinecure. And if bishops themselves were brought to an equality of revenue, as well as functions, it would prevent the great scandal given by commendams and translations that are daily increasing."

That was the language of Bishop Burnet. The Bishop of Llandaff (Dr. Watson) in his letter to the Archbishop of Caterbury proposes an equalization of bishoprics and large church livings on vacancics, as a great benefit to the establishmen He also expresses his wish to see appropriated as they become vacant one third of every deanery, prebend, a canonry of the churches of Westminster, Windsor, Christchurch, Canterbury, &c., for the same purpose *mutatis mutandis,* as the first fruits and tenths were appropriated by the 2nd and 3rd Queen Anne, and he expresses his decided objection to commendams. The noble Lord the Member for North Lancashire (Lord Stanley) had also professed himself an advocate for the principle of present bill, for in his address to his constituents, in North Lancashire at the last general election said—

> "That he thought the wealth of the Church ought to be appropriated to raise the livings of the poor clergy, instead of being devoted to purposes comparatively useless. He shared this opinion in common with those of every class in society, and he thought that by deducting from the wealth of the large livings, and adding to the poorer, the Church would be placed in a situation to be more available for the instruction of the community."

These authorities which he (Mr. Baines) quoted he conceived to be tolerably high in favour of the principle of the present bill, and particularly so as their devotion to the cause of the Established Church could not be doubted. He would in conclusion say, that the ecclesiastical reforms which had been introduced by the noble Lord the Secretary for the colonies, had been of the utmost service to the Church, at the same time that they were calculated to give much satisfaction not only to Dissenters, but to all classes of religionists.

Mr. *Goulburn* did not rise to reply to the elaborate eulogy which the hon. Member for Leeds had pronounced on the noble Lord, nor to enter into the disputed questions in reference to this subject. When, however, so much praise was lavished on the noble Lord, it was only fair to remind the House of the simple fact, that this measure in reality originated in the commission which had been appointed during the administration of his right hon. Friend the Member for Tamworth. Having supported the principle of this bill on two former occasions, it was necessary for him only to say, that it should have his cordial support so far as principle was concerned. If he understood that principle, it was that a portion of the funds of the cathedrals should be rendered available for the purpose of more extended parochial instruction, and although he admitted that cathedral dignities were something more than ornamental—that they had been of real value to the Church Establishment—he still, having before his eyes the dread of those calamities which religious destitution entailed, thought such an application of those funds desirable in every point of view. They all knew the baneful consequences which resulted from religious ignorance, and how such a state of things was calculated to spread infidelity and disaffection. To counteract these great evils, it was essential that the pure doctrines of the Church of England should be more extensively promulgated among the people, and it was on that ground that he should give his support to the second reading of this bill. For his own part, he did not think 130,000*l.* anything like commensurate to the exigency of the case; and he would go further and say, that for the suppression of an evil of such magnitude, of which all parties complained, the public ought to come forward with a liberal hand. He did not mean to state that a better arrangement than the present might not have been made, but on this point he would say no more at present, but reserve to himself the right of making any practical amendment which he might deem prudent at some future stage of the bill. He could not, however, resume his seat without expressing his regret that the noble Lord had not made the same arrangement with respect to the cathedral church of Ely, that he had made in reference to the cathedral establishment of Christ Church.

Mr. *Liddell* had very strong objections to the bill, although he would not go the length of opposing it in its present stage. The principle of the bill had not, in his opinion, been quite correctly stated by some hon. Members, for it not only provided for the suppression of a large number of dignities, but it also provided that, after those dignities should be suppressed, the revenues derivable from them were to form a common fund for the augmentation of poor benefices throughout the country. To that principle, if unqualified, as it was in this, although not in former bills, he had no hesitation in giving his most determined opposition, should he be the only Member in the House to vote against it. His reason for not opposing the bill in its present stage was this, that the 56th clause, which enacted that the property to be derived from the suppression of those dignities was to form a common fund for the augmentation of poor benefices generally, contained a promise to this effect—"unless urgent cause be shown for exclusive appropriation." Upon the faith of Parliament in adhering to the spirit and letter of that proviso, did he abstain from opposing the bill in its present stage. There were, however, words at the end of that proviso, which diminished much the confidence which the qualification of the principle of the bill created —namely, "due regard being had to the spiritual wants of other dioceses." He therefore gave notice, that in committee he should move that these words be struck out, because if a system of comparison were to be instituted between the spiritual wants of one district and those of another, the spirit of the bill would, in his opinion, be greatly violated. The bill proposed an important change in the diocese of Durham, one of the most important in England, to which he must object, certain as he was, that in the case of that diocese an urgent case could be shown for exclusive appropriation, on the grounds of inadequate endowment, extensive spiritual wants, and the most judicious and beneficial management of the revenues by the present dean and chapter of Durham. He begged of the House to consider, that they paid over 11,000*l.* a year to the revenues of a new see. The present Bishop of Durham had paid over towards the construction of a bishoprick in Yorkshire, which had property amounting to 1,800*l.* a year, nearly 40,000*l.* He would now say a word with regard to the case of the University of Durham. The 28th clause provided that such arrangements should be made respecting the deanery and canonries in the cathedral church of Durham, and their revenues, as, upon inquiry and consideration of the act for appropriating part of the property of that church to the establishment of a university, and of the engagements subsequently entered into by William the late Lord Bishop of Durham and the Dean and Chapter should be determined on. Now, he did not know whether the object of that clause was to get rid of those engagements, under the pretence that the university was established before those engagements were entered into, but he could not avoid saying that it was open to that interpretation; and he hoped that no consideration would prevent those engagements from being fulfilled, virtually at least, by the Ecclesiastical Commissioners. Considering the great increase which was going on in the population of Durham, and likewise in that of other dioceses, he objected to the abstraction of the revenues of that diocese, already in a state of spiritual destitution for the purpose of contributing to the spiritual wants of other parts of the country. In Newcastle, with a population of 50,000 there were but six churches, which was one church to 8,000 souls. With regard to benefices, he had always been of opinion that 300*l.* a year ought to be the *minimum* income, and yet there were no less than thirty-four benefices connected with the Dean and Chapter of Durham, and containing large populations, the income of each of which was under that amount. He could not help adverting to the fact of the munificence of the Dean and Chapter of Durham, in contributing from their revenues to the augmentation of small livings, and the endowment of new places of worship. They had, as he had already stated, applied 110,000*l.* to the University of Durham.

Since the Archbishop's Enabling Act, which gave them the power, they had contributed no less than 120,000*l.* towards the augmentation of livings. They had appropriated to these objects in the whole no less than 400,000*l.*, besides acts of private munificence. He assured the noble Lord and the House that he approached this question without any party feeling; but, knowing the necessities of the diocese of Durham, he should resist the abstraction of one farthing of its revenues for any other purpose than was strictly connected with the spiritual wants of the diocese. He approved of the introduction into this bill of the 57th clause, yet he was not quite satisfied with the security it gave. The present Bishop of Durham, though an estimable prelate, had been appointed by the noble Lord, and the Dean of Durham, was also Bishop of St. David's, and therefore interested in another diocese. He should be better satisfied if the commission included the two archdeacons of the diocese. One of the main reasons which prevented him from opposing the bill was that which had been stated by the right hon. Baronet (Sir R. Peel) and the right hon. Gentleman (Mr. Goulburn), namely, that considering the moral and spiritual wants of the community at large, unless the church gave up some portion of its revenues it would be impossible to call upon the state to contribute. When that sacrifice had been made, and when the church had come forward and had done all in its power voluntarily to aid this object, he should then consider that the state had no excuse for not taking into consideration the whole subject of the spiritual destitution of the community, and by relieving this great evil, so much complained of, contribute essentially to the prosperity of the empire.

Mr. *Law* said, that looking at the title of the bill, which purported that it was to carry into effect the fourth report of the commissioners of ecclesiastical revenues, he could not but recollect that that report contained propositions most objectionable. The principle embodied in the bill, that of diverting church funds to the purpose of general education, it was impossible to correct in the machinery. He was, therefore, compelled to oppose the bill in its present stage. He agreed with his right hon. colleague (Mr. Goulburn) in the necessity of giving to the chapter of Ely, if not the whole of the stalls, a greater number than four. The same objection applied to other chapters. If these reductions were forced upon the church, the wants and claims of each chapter should be attended to. If the hon. Baronet the Member for the University of Oxford pressed his motion to a division, he should divide with him against the bill. It was a mistake to suppose that the university he represented had changed its sentiments upon this subject, as might be seen in an able petition which had been presented to the House, and he should betray his trust if he did not offer the best opposition in his power to the further progress of this bill.

Sir *T. D. Acland* should give his vote with so much difficulty and reluctance if the question was pressed to a division, that he must state his reasons for the course he meant to adopt. If he believed, with his hon. Friend (Sir R. Inglis), that it was impossible to deal with the subject at all, or to interfere with church revenues, he should be bound to refuse to vote for the second reading of this bill; but when they spoke of the principle of the bill, they ought to give the largest and widest interpretation to the principle, when the main and professed object of the promoters of the bill and that of the friends of the church were the same. If the latter consented to the second reading of the bill, it was in the belief that they could deal with the details in the committee. The hon. Member for Nottingham had said, that it was better to have this bill than none; but if no better reason could be given, nothing should induce him to consent to the bill. There were, however, many other means of effecting the same object. The hon. Gentleman the Member for Durham had mentioned one, the distribution of 120,000*l.* by the dean and Chapter of Durham amongst the incumbents of small livings. This was his justification—that very many of the true principles were shadowed out (he did not say embodied) in the bill, and upon those principles he hoped that they should be able to work.

Mr. *Bell* entirely concurred in all that had fallen from his hon. Friend who had spoken so recently; he could confirm all his statements, and he would further observe, that the spiritual destitution in that portion of the county of Northumberland which he had the honour to represent was very great indeed, and it had been materially augmented by the increase of collieries and manufactories. While alluding to Newcastle, to North Shields, and the neighbourhood, there was one very important fact which his hon. Friend had omitted to mention, and it was this—that after leaving Newcastle and following the banks of the river Tyne to North Shields, a distance of seven miles, there was but one church, although within that space the population amounted to upwards of 20,000 persons. He would add, that the collieries were extending themselves to the north and east of Newcastle, and perhaps hon. Members might not be aware that no colliery of any extent was opened out without bringing with it a population of from 500 to 1,000 persons; and although the bishop of the diocese and the dean and chapter, landowners and coal owners, had done much to provide for the spiritual wants of the people generally, yet it was quite impossible they could do all that was required. He was sensible of the great liberality of the bishop and dean and chapter generally, and he too would enter his protest against the surplus revenues of the diocese of Durham, supposing the bill to pass, being appropriated to any other object than the spiritual wants of that particular diocese. If he thought any other course would be adopted, he for one should vote against the second reading of the bill.

Mr. *Slaney* supported the bill, as one of the best and most practical measures which could be introduced for strengthening and extending the usefulness of the Established Church. At the same he hoped the noble Lord would not adopt the suggestion which had been made by hon. Gentlemen opposite, to limit the application of the funds to the particular locality in which they might accrue.

Lord *Teignmouth* wished the noble Lord to postpone the measure till after Easter. The delay which had already taken place had resulted in a decided progressive improvement of the bill. The principle of locality had only been faintly arrived at in the original measure, but now due regard was to be had in all cases to the diocese in which the revenues should arise. The bishop of the diocese was now to be allowed to sit as commissioner upon all cases occuring within his own diocese, while all the bishops of England and Wales were *ex officio* to be members of the commission. These were decided improvements in the bill. The chapters also had been consulted, who were the best qualified to give direction as to the mode in which these surplus revenues should be distributed. There was another chapter he was also anxious to consult—the chapter of accidents; he wished to see what new lights might arise, what new events might take place, to modify the present scheme, and render it more favourable and effective for all the purposes of an Established Church. He particularly approved of the principle of localising the funds accruing under this bill, and recommended that halls should be appropriated to large parishes until the spiritual wants of the people were provided for. Although opposed to some of the provisions of the bill, he could not vote with his hon. Friend the Member for the University of Oxford.

Colonel *Sibthorp* regretted to see the noble Lord the Secretary for the Colonies introduce such a measure as this to the House. He considered the noble Lord the child and offspring of the Church, his whole family being dependent on Church property for everything they had, yet he had shown throughout the most decided enmity to the Church. He had no confidence in the noble Lord. He would trust him with his purse in private life, but he had no opinion of him as a politician or a Minister.

Lord *John Russell* was glad to hear the assurance of the hon. and gallant Member for Lincoln, that he would trust him with his purse, he hoped he would have no objection to extend the same confidence to his right hon. Friend the Chancellor of the Exchequer in case he should make a demand upon it. With respect to the bill now under the consideration of the House, putting aside the objection of the hon. Baronet the Member for the University of Oxford, that Parliament should not interfere with subjects of this nature, he had been asked by the hon. and learned Member for Exeter, what was the principle on which this bill proceeded. He thought they might introduce a bill of this nature on two grounds. Supposing from the lapse of time the cathedral establishments had become ill adapted to the purposes for which they were intended, it was perfectly competent to Parliament to propose such amendments as would adapt them to the present times. But with regard to this bill, there was another and stronger reason for the interference of Parliament. Revenues had formerly been set apart for ecclesiastical purposes to which there was now little or no duties attached, while there existed a want of religious instruction in many populous places which called loudly for the consideration of the Legislature. It was therefore necessary to find some mode by which that want could be supplied. It was, then, upon these two grounds that he thought a bill of this kind ought to have been introduced, and it was for those reasons he now asked the assent of the House to the principle upon which it was founded. He did not ask the House to consider the principle of the measure as the only one which could be adopted, and in committee other plans could be brought forward and investigated. He only wished that the House should express its opinion that some measure of the kind was necessary. For his own part, after full examination and after consulting those best qualified to judge on such matters, he had come to the conclusion that certain cathedral stalls ought to be suppressed. He could not, however, agree with the noble Lord the Member for Marylebone, that those stalls ought to be attached to large and populous parishes. He did not think that such a course was advisable. He thought it was desirable that there should be men in the church of different capacities, and engaged in different pursuits, who, however, would all alike add to the respectability and dignity of the establishment, although in different ways. One person might, for instance, be attached to a large and populous parish, whose time would be employed in visiting his congregation and that person might be also an eloquent preacher. Another person might have no talent for eloquence, but he might have an extensive knowledge of theology and be highly qualified for the elucidation of the sacred Scriptures. Both those persons would add in their different ways to the respectability and usefulness of the church; but if the stalls were added to the large parishes, they would lose either the eloquent preacher or that sound learning which contributed to the dignity of the establishment. He therefore could not consent to the proposition of the noble Lord. With respect to the suppression which had been alluded to, that was a question upon which he would not enter until the proposals of the commissioners were laid before the House. If Dr. Spry and the Dean of Ely, and the Dean of Chester had no objection to their proposals being laid before the House, he should not oppose that course, as he should at the same time submit the answers which had been sent to those proposals, when the House would have an opportunity of comparing the two schemes. For himself, he considered the scheme originally proposed by the commissioners to be the best, and he believed the Archbishop of Canterbury had arrived at the same conclusion. He did not know that it was necessary to enter further at that time into the provisions of the measure. He was glad, however, to find, that the qualification which he had introduced with respect to Christ Church had met with the approbation of the right hon. Gentleman the Member for Tamworth, but he must say, that he thought the principle which had been acted upon in the case of Christ Church would fail if it was extended to Ely. He trusted the bill would pass in the present Session.

The House divided: Ayes 87; Noes 11: Majority 76.

List of the AYES.

Abercromby, hn. G. R.
Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Baines, E.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bell, M.
Bernal, R.
Blair, J.
Blewitt, R. J.
Bolling, W.
Bowes, J.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, E.
Busfeild, W.
Clay, W.
Collier, J.
Craig, W. G.
Curry, Mr. Sergeant
Davies, Colonel
Ewart, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Lord C.
Fitzsimon, N.
Fort, J.
Gaskell, J. M.
Gordon, R.
Goulburn, rt. hn. H.
Hall, Sir B.
Hastie, A.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hutton, R.
James, W.
Lambton, H.
Liddell, hon. H. T.
Lushington, S.
Maule, hon. F.
Melgund, Viscount
Morris, D.
Muntz, G. F.
Pechell, Captain
Peel, Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Polhill, F.
Power, J.
Pusey, P.
Rice, E. R.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Stanley, hon. W. O.
Stansfield, W. R.
Stewart, J.
Stock, Dr.
Teignmouth, Lord
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.

White, A.
Wilbraham, G.
Williams, W.
Wood, B.
Wyse, T.

TELLERS.

Parker, J.
O'Ferrall, R. M.

List of the NOES.

Adare, Viscount
Baker, E.
Christopher, R. A.
East, J. B.
Estcourt, T.
Glynne, Sir S. R.
Holmes, hon. W. A.
Morgan, C. M. R.
Richards, R.
Sibthorp, Colonel
Williams, R.

TELLERS.

Inglis, Sir R. H.
Law, E. C.

LORD SEATON'S ANNUITY.] Lord John Russell moved the Second Reading of Lord Seaton's Annuity Bill,

Mr. *Hume* had given notice that he would, when the House was in Committee on this bill move that the grant be limited to one life. He objected to Peers being made when the persons raised to that dignity were not possessed of an independent property equal to the maintenance of the rank which was conferred upon them. Now he understood that Lord Seaton had not an independent fortune, and therefore, as he had been made a Peer, the Government now proposed to give him 2,000*l.* a year for his own life, and for two other lives. He objected strongly to such a course, for in the end the heirs of persons who in this manner were created Peers became dependent on the Crown, and he contended that no Peer ought to be dependent on the Crown. Why did not the Government create Peers for life? In his time he had seen many lawyers obtain the Peerage who had much better been made Peers for life only, for their families in the end became dependent on the public for support. He had moved for a return in connexion with the subject of pensions; and from that return he found that a pension had been granted to Arthur Onslow, a Speaker of that House, and that pension had been granted for his own life and the life of his son. Now, would the House believe it, that in consequence of that grant Mr. Speaker Onslow and his son had actually obtained 158,884*l.* of the public money? A pension was given on the 5th of April, 1817, to Lord Colchester and his son, for their lives, of 4,000*l.*, and the money received by them up to the date of the return, which was the 7th of August, 1832, amounted to 57,750*l.* On a former occasion he had shown, by a list in his possession, that 14,000,000*l.* of the public money had been expended in this way, calculating interest and principle together. The House would be surprised at the statement of one or two items, which he had extracted from the list. Sir J. Blanquiere had a pension of 1,072*l.* granted him in 1794, and at the date of the return he had received 133,223*l.* of public money, principal and compound interest included. Another individual received a pension in 1783, a pension of 356*l.* for the life of himself and brother, and not less than 81,350*l.* had been paid on account of it. A pension for three lives, granted in 1771, of only 300*l.*, had yet cost the country, principal and interest included, not less than 130,000*l* On account of these circumstances he protested against the principle of granting pensions, and he thought it would be much better to reward Lord Seaton for his services by a sum of money at once.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, April 7, 1840.

MINUTES.] Petitions presented. By the Marquess of Westminster, and the Earl of Lovelace, from twenty-six places, for, and by the Earls of Winchilsea, and Aberdeen, from five places, against the Total and Immediate Repeal of the Corn-laws.—By the Duke of Newcastle, the Marquesses of Londonderry, and Westmeath, the Earls of Winchilsea, and Glengall, and Lord Wynford, from a number of places, against the Irish Corporations Bill.—By the Duke of Buccleugh, and the Earl of Galway, from several places, in favour of Non-Intrusion.—By the Bishop of London, from Leeds, and Worcester, against the Opium Trade.

MUNICIPAL CORPORATIONS (IRELAND)]. The Marquess of *Westmeath* said, he rose, pursuant to the notice which he had given, to present a petition against the Irish Municipal Corporation Bill from the city of Dublin. The petition was signed by 7000 inhabitants of that city, whose registry, on the most accurate calculation, was 73,000*l.* a year. The petitioners strongly condemned this measure, and demanded what result could be expected from it? They considered that it would inflame that spirit of party which all well-disposed men must deplore, as detrimental to the peace and prosperity of the country. They prayed of their Lordships to annihilate the Irish corporations altogether rather than pass this most objectionable measure, which was calculated to increase the taxation, already most burdensome, on the city, to excite turmoil and ill-feeling at elections, and still further to foment those ill-feelings and that party spirit which every good man must deplore. This bill would be to the petitioners a bill of confiscation. He was perfectly convinced that it would be a bill of confiscation, not only with reference to property in existence, but with respect to property which was yet to accrue. The power of taxation which would be granted under this bill would be five times greater than that which existed at present. The amount of corporate property of the city of Dublin was 15,000*l.* a year; but the additional power of taxation contemplated by this bill would raise it to 50,000*l.* or 60,000*l.* a year. Looking to the situation in life of the petitioners, the present petition might be considered as coming from that class of persons who were described by the noble Marquess (Normanby), when he presented, a short time ago, a petition from Liverpool, as the persons for whose advantage municipal corporations in Ireland were chiefly intended, namely, those who might fairly be supposed to represent the moral worth, the religious feeling, and the property of the country; and, therefore, he had a right to expect that the noble Marquess would support the prayer of a petition coming from such parties. Considering the objectionable nature, in every point of view, of this measure, it appeared to him to be only one proof more, in addition to many others, on the part of Ministers, of their deliberate design to unprotestantize Ireland, by taking property away from its present owners, and placing it in the hands of those who might be regarded as the enemies of that unfortunate country. They were tearing it from the Protestants, who now enjoyed it, and placing it under the control of the Roman Catholics, who coveted it, and who were most anxious to possess it. By this bill, the respectability of the corporation would be destroyed. According to its provisions, all householders would have a right to elect the common-council, the common-council would be empowered to elect the aldermen, and they, of course, would elect the mayor; and it was not difficult to see, under such a system, what sort of persons were likely to be elected. Again: the practical effect of the bill would be to grant salaries to as many officers as the thus elected corporation thought proper to appoint, to any amount within the limit of the corporation funds. They might appoint Roman Catholic chaplains, they might apply money to what the corporation might call improvements, which improvements might turn out to be the building of Roman Catholic houses of worship. They all knew the mischief which continued agitation had created in that country; they all knew that it was the duty of the Government, by proper means, to discourage and put down that system of agitation; but let this bill be passed, and it would place in the hands of those whom it especially favoured the power of legalizing agitation, and of so annoying and distressing the Protestant inhabitants of the city of Dublin and of other places, that no man of independent mind would remain in the country if he could possibly avoid it. Those who lived chiefly in the interior of the country knew that the great wish of the agitators was to annoy the Protestants, to distress them, to pursue them, to harass them, and, if possible, to drive them out of the country; and a better plan for assisting that design could not be devised than this measure presented. How could it be doubted, if such a system were allowed to prevail, if it were chiefly supported in the metropolis, that it must be detrimental to the welfare of the country? Would it not operate against the trade and commerce of the country? Assuredly it would, for what man of property and enterprise would remain in a place where such a state of things was tolerated? He would ask the noble Viscount whether he had informed his Sovereign, before this bill was introduced, that a measure was contemplated, the effect of which would be to confiscate the property of Protestants in Ireland, and hand it over to their Roman Catholic adversaries? Had the noble Viscount informed his Protestant Sovereign, that before she came to the throne a compact was entered into at Lichfield-house by which the Protestant church was to be despoiled of its property, and that every effort should be made until that spoliation was accomplished? He would ask if the noble Viscount had called upon the Protestant Sovereign of these realms to reflect whether it was possible for her Majesty, conformably with her coronation oath, to give the Royal assent to this proposition for the confiscation of Protestant corporation property? The corporation of Dublin had many claims upon the consideration of a Protestant Parliament. In the time of King Charles I., when that monarch was engaged in war with his rebellious subjects in Ireland, the Protestant corporation of Dublin raised a body of 800 horse soldiers for his service, and supported them for 36 months. For that service there had been conferred on them 500*l.* a year, which had been paid ever since from the Treasury of this country. Now, he would ask, with what justice could any man, or any set of men, confiscate that grant? With what semblance of justice could they not only take it away from its present legal owners, but place it in the hands of those who, if the battle, as might be the case, were to be fought over again, would probably bear arms against her Majesty? He would ask the noble Viscount upon what point he could impeach the corporation of Dublin? What fault or crime could he allege against them to justify the confiscation of their property? For what reason did he wish to inflict on them a punishment which none were visited with, except in cases of felony or treason? He would not put off this question till the second reading of the bill on Friday night. He called on the noble Viscount to answer it now, immediately, off-hand and off-book. He asked the noble Viscount to state, at once, distinctly, why he brought forward such a measure, and to justify the course which he had taken, if he could. The bill was altogether a mass of errors. There was no provision in it with respect to the qualification of magistrates; and the consequence would inevitably be, that if the bill were passed, the magistrates would be taken from the very dregs of society. The magistrates of the corporation of Dublin, as at present elected, had performed their duty to the perfect satisfaction of the Lords-lieutenant for a long series of years. He could even adduce the authority of the noble Marquess (Normanby) in their favour. The noble Marquess had addressed the Lord Mayor of Dublin, on his inauguration, at the period when the noble Marquess had completed the second year of his vice-royalty, had praised the conduct of the corporation magistrates, and pointed to the conduct of the precedent Lord Mayor as a fitting guide for the future conduct of the new city monarch. With that testimony at their heels, why, he asked, was it now proposed to annihilate, or worse than annihilate, that corporation? Why hand over its power to a class of persons who, by the provisions of this measure, would assuredly be taken from the very dregs of the people? In considering this subject there was another very material point for their Lordships to look to. In the year 1835 a commission of inquiry was appointed to investigate the concerns of these various corporations, and to report thereon their opinion to Parliament. Certain portions of the evidence given on that occasion were laid before Parliament; but what surprise, astonishment, and, he might say, indignation, must their Lordships feel, when he informed them that the evidence given in favour of those corporations was suppressed? It remained in manuscript, and was not laid on their Lordships' table. Therefore, it was clear that their Lordships were hoodwinked on this subject; favourable evidence was suppressed, while that of an unfavourable and hostile nature was prominently put forward. He would ask, were her Majesty's Protestant subjects of Ireland to be tortured in this way by the Ministers of the Crown? He did not believe, he could not credit, that that House, that that Protestant House of Lords, would allow the bill for the destruction of Irish corporations to pass in its present state. He did not think that they would suffer such a monstrous wrong to be inflicted on his unfortunate country. He could not conceive, that by passing it, they would add to the accumulated evils occasioned by that base system of agitation which was now allowed to proceed unchecked. He did not mean, on the second reading of the bill, to make any observations. He, therefore, hoped for the indulgence of the House while he made a few other remarks in addition to what he had already said. He had omitted to state that the corporation of Dublin had incurred a very considerable expense by raising the 100th Regiment of Foot, called the "Dublin Regiment," in the time of George III. They had also been subjected to a heavy charge by raising seamen for his Majesty's service. Ought not these matters to be considered when a bill was introduced which nearly affected their dearest rights—a bill which, like other measures, was brought forward in compliment and as a propitiato persons who ought not, in point of fact, to be seated in the other House of Parliament? Those persons, however, he was convinced, compelled her Majesty's Ministers to do many things contrary to their better judgment. Was the noble Viscount, he would ask, cognizant of the provisions of this bill? The noble Viscount had the whole business of this great empire to superintend. Colonial affairs in an embarrassed state, and foreign affairs with the chance of a speedy war, must claim much of the noble Viscount's attention; so that it was very probable that he had not had time to make himself master of the details of this iniquitous measure. With respect to the noble Marquess at the head of the

Home Department, from him, he confessed, looking to past experience, he expected nothing beneficial for Ireland. But, though he conceived that he had not been fairly dealt with by that noble Marquess when he ruled in Ireland, still, he would say, that he entertained no feeling of anger towards the noble Marquess on that account. But when he looked to the public acts of the noble Marquess in Ireland, he must say, that unless the noble Marquess was impeached, and lost his head, then Derwentwater, and Balmarino, and Radcliffe, and the ancestor of a noble Earl opposite (who, he believed, suffered himself to be a little too much in the secrets of Popery at a time when the Hanoverian succession was not so popular as it afterwards became) were all murdered men. Should the noble Marquess be impeached, no power on earth should compel him (the Marquess of Westmeath) to sit on his trial, after the decided and plainly-expressed opinion which he had thus given as to his proceedings in Ireland. There was a growing disposition in Ireland, not to be content with what Ministers were willing to do for those who practised agitation, but the agitators were inclined forcibly to carry whatsoever measures they might think best suited their own views. To illustrate this point he would read an extract from the speech of a Mr. Reynolds, delivered on St. Patrick's-day, to a great assemblage of members of the temperance system. Mr. Reynolds said,

> "There was a day approaching when men, unpurchased and unpurchasable, would call to account those who, having by their means attained the summit of their ambition, betrayed and neglected their friends. When he saw 200,000 men assembled, and not a symptom of drunkenness apparent amongst them, he could not doubt that they would compel those in power to grant their just demands."

Now Ministers had done everything that the agitators had hitherto asked them to do, and he feared they were ready to do as much more as their Lordships would permit them to do. But he besought their Lordships, for God's sake, and the sake of the whole empire, not to suffer the Ministers to proceed further in their ruinous course. He would not trouble their Lordships further. The petitioners prayed with outstretched hands that their Lordships would not pass the bill, and he heartily concurred in that prayer.

The Marquess of *Headfort* could not help making a remark in answer to his noble Friend who had just sat down, and who had accused the Roman Catholics of Ireland of a conspiracy against the Government of her Majesty. Such a charge was altogether unmerited. The Roman Catholics would rise to a man in defence of her Majesty, to whom they felt the deepest gratitude for the favour which they had experienced.

The Marquess of *Westmeath* had been altogether misunderstood by his noble Friend. He had never charged the Roman Catholics of Ireland with conspiracy against her Majesty. Was it probable that he, whose immediate ancestors were Roman Catholics, would make such a charge? He had always felt the greatest friendship and affection for his Roman Catholic fellow subjects, but he did not identify them with priests or demagogues. A more amiable people than the Irish Roman Catholic population did not exist, if left to themselves. They would be angels if they were not made devils by being worked upon by the artifices of designing persons, and by those who were assisting the church of Rome to uproot the Protestant institutions of the country. It was absurd to think that he should have made such a charge as his noble Friend supposed.

Petition laid on the table.

Canada — Clergy Reserves.] The Bishop of *Exeter*, in rising to submit to the House the motion of which he had given notice, wished, in the first place, to say a word or two in answer to an objection which had been made on a former evening to the very nature of his motion. It had been said that it did not belong to their Lordships to consider the legality of the proceedings of the Colonial Legislature, as that question should be left to the Government, who, on their own responsibility, should satisfy themselves of the legality of the bill before they advised the Crown to give its assent. It was impossible for him to agree to that proposition. Let their Lordships consider the position in which they were placed; they were intrusted by the law of the land with the guardianship of religion in Canada, and to enable them to discharge their duties the Legislature had, by the statute of the 31st George III., provided that no measure affecting the religion of the colony should pass into a law until it had lain on the tables of the Houses of Parliament for thirty days, in order to enable either House, by an address to the Crown, to object to the proposed plan. It was intended by this act that every measure which was passed of this description should carry with it the authority of the English as well as of the Colonial Legislature, and although the English Parliament could only give a negative voice upon the subject, yet an assent was in effect given by abstaining from addressing the Crown. He, therefore, considered that the House was in the same situation as if a bill had been brought up from the other House of Parliament, and had a right to inform itself by the constitutional and satisfactory means of requesting the advice of the judges upon the legal question which the measure involved. It was, in one respect, with grief and pain that he approached the discussion of this subject, for it reminded him of the absence of a noble and learned Lord whose presence and assistance did honour to the House and gave authority to its decisions, more especially upon this question, with which the noble Lord might be said to be individually connected, in consequence of the opinion given by him in 1819, as one of the law officers of the Crown. On looking into the bill upon the table, he (the Bishop of Exeter) found that it dealt with the clergy reserves as if they were open to the entire disposition of the Colonial Legislature; although it was clear that by the Constitutional Act they were to be appropriated to the maintenance and support of the Protestant clergy. Who fell within that description was the question upon which it became their Lordships to require the best information which could be obtained, and to take the best means in their power of coming to a satisfactory decision. He felt it to be his duty to show that there was a *primâ facie* case against the legality of the measure, and to prove that the great body of men who, for the spiritual and temporal good of our colonies, were established there—he meant the clergy of the Church of England—were the only body of men who were comprehended in the term "Protestant clergy." If we looked back to the law of England, and inquired what the meaning of the word "clergy" was, we should find it told us most distinctly by some most important statutes, and he wished that the question, instead of remaining to be discussed now, had been anticipated by her Majesty's Government. It would be in the recollection of their Lordships, that in 1837 considerable doubts existed respecting the legality of the institution of the rectories in Upper Canada. On that occasion the Government applied to the law officers of the Crown as to that legality, and in the case that was presented to those learned persons the opinion given was against the legality. The Government was then perfectly satisfied that the Church of Canada had no legal ground for the institution of those rectories, and in reference to that subject, Lord Glenelg in his despatch to Sir F. Head of the 6th of July, 1837, said:—

> "I have assumed that the bishop and the archdeacon would not think themselves at liberty to surrender the rights apparently vested in the Church of England in deference to the opinion of her Majesty's legal advisers, and without the previous judgment of the proper legal tribunals. I must go further, and avow my opinion that such a surrender is neither to be asked nor desired. Her Majesty's Government repose, indeed, in the law officers the confidence to which their high professional reputation gives them so just a title; but I am persuaded that it would be more satisfactory to those learned persons themselves, as it would be more agreeable to me and my colleagues, that claims of such peculiar delicacy and importance should be decided, not on the responsibility only of the judgment of the Queen's Advocate, and the Attorney and Solicitor-General, but on that of the proper tribunals, after a full investigation of all the facts of the case, and of all the principles of law bearing on them."

Such was the very fair suggestion that was made by her Majesty's Government to the Church of Canada on that occasion. At that time no doubt was entertained that the rectories were illegally instituted. But it afterwards turned out that sufficient authority was given for their institution. Documents were found in the colonies which showed that the rectories were legally instituted; and what was then the proceedings of the Government? Sir G. Arthur immediately, and and very properly so, informed the moderator of the Synod in Upper Canada of the discovery that had been made of the different opinion that had been given by the law officers of the Crown, for in their opinion on the second case that was presented to them they stated, that the institution of those rectories was perfectly legal; and how did Sir G. Arthur proceed? He suggested to the moderator a proceeding at law, and an appeal to the judicial committee. These were his words—

> "In like manner, if it be still your desire to have a judicial determination upon the claims the Church of Scotland can legally maintain to a participation in the lands reserved under the

31st Geo. 3rd, c. 31, or to the funds arising from them, that question also can, upon your petition, be submitted to the Secretary of State, with the expression of your wish, that it should be referred to the judicial committee of the Privy Council."

That suggestion he approved of. And what was the reply of the moderator? It would be difficult for their Lordships to lay their hands on any paper so full of insult as that paper. The moderator refused to take the course that was proposed, and proceeded to complain of the Constitutional Act itself, saying it was a violation of the Articles of Union, and this too, not in a calm and meek spirit, but in a manner the most insulting to the Government. That was the way in which the suggestion of the Government to the presbytery of Upper Canada was received. It happened about three months afterwards that the bishop and clergy of Canada, whether they were aware of the suggestion, he knew not, thought fit to address the same request to the Government which the Government itself had urged to the presbytery of Upper Canada. Nay, they did more; they earnestly implored the Government, for the sake of peace, to lay the question before the judicial committee, or take the opinion of the judges upon it. And how was that request received? That request of the clergy of that Church to which their Lordships belonged, and for which they said they felt the most warm regard, was answered by Lord Glenelg in the following words:—

> "In reply, I have to inform you, that as her Majesty's Government see no reason to doubt the correctness of the opinion delivered on this subject by the law officers in 1819, they do not consider it necessary to originate any proceedings on the subject before the judges of England or the Privy Council."

Such was the different measure of justice meted out to the Church of England and those who were opposed to it. Now, he deplored that on many accounts. It would have been far more to the honour of the Government, and a proof of more impartial feeling, at least towards that body—and he submitted, that the Church of England to which that Government belonged, was entitled to something more than an impartial feeling, but even that impartiality was not dealt out to them—if they had been fairly dealt with on that occasion, for then would the question have been brought before the judicial committee, and he could not doubt that justice would have been done, and their Lordships have been spared the pain of being asked to adopt, or, perhaps, driven to adopt, a hasty determination against justice, and in violation of the best interests either of this country or her colonies. He would again briefly endeavour to state why he thought the clergy of the Church of England were the only Protestant clergy contemplated in the different Acts relating to this subject. If they looked to the 25th of Henry 8th., c. 19, they would find in the preamble of it words which confirmed that opinion. There was a more important testimony to be found in the 8th of Elizabeth, c. 1, which distinctly spoke of the estate of the clergy as one of the great estates of the realm, and then proceeded to speak of the consecration of bishops and archbishops, priests, and deacons. If they went further, they would find the Act of Uniformity in the reign of Charles II., an Act which had been considered from the time it was passed as fundamental to the Constitution of this country. That Act declared who were the clergy. It said,

> "That no man was to be acknowledged or taken to be a lawful bishop, priest, or deacon, unless he had been episcopally ordained according to the proper form."

That Act, the 13th and 14th Charles 2nd., declared, that no man was to be considered a minister of the Church who had not had episcopal ordination. [Viscount *Melbourne.*—That was in this Church — in the Church of England.] It was in the Established Church that they were not allowed to exercise any functions without being properly ordained. He need not remind their Lordships that at the time of the Union there was especial reason why the Church of Scotland demanded that the question of religion should make no part of the Articles of Union. They knew that the Churches of Scotland and England secured themselves on that occasion, by a separate Act of Parliament, which Act was a fundamental part of the Union. The Act for securing the Church of England recited the Act of Union, and especially named the Acts of the 13th and 14th Charles 2nd., and of the 13th of Elizabeth, and at the same time stated, that in all other Acts the Church of England should be properly secured, and which was specified as a fundamental condition of the Union. The Church of Scotland then thought fit to guard itself by the coronation oath, and the Church of England taking the same security, a material alteration of the oath took place at that period. The coronation oath was framed by the 6th Act of William and Mary, and that Act only required the Sovereign should swear to preserve the Church as by law established in these realms: but by the 5th Anne, c. 5, the Act of Union, the oath was enlarged to the maintaining inviolate the Church of England, and the worship, discipline, and government thereof, as by law established in the kingdoms of England and Ireland, and Berwick-upon-Tweed, and the territories thereunto belonging. Now, in the meanwhile, the Scotch Church had only secured itself in Scotland; it was directly limited to the territory of Scotland; and that was the resolute determination of this country when it assented to the Union. That, too, was known to Scotland, as pretty well appeared by the Scotch statute of Anne, passed on the 31st of December, 1706, which said,

> "That the 18th article (of union) having been read, and after reasoning thereon, an overture was given in for adding a clause in these terms—that all Scotsmen be exeemed from the English sacramental test, not only in Scotland, but in all places of the United Kingdom and dominions thereunto belonging, and that they be declared capable of office throughout the whole, without being obliged to take the said test, which passed in the negative."

Now, how did that pass in the Parliament of Scotland? It passed in the negative. The Parliament of Scotland itself refused to do what was required. It refused to protect Scotchmen who came into this country from taking, as they were required to do, the sacramental tests. Now the claims of the moderator of the Synod of Upper Canada rested upon the Act of Union in Scotland. The General Assembly had done the same, and what was the part of the Act of Union on which their claims were grounded? The act said,

> "That all the subjects of the United Kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade and navigation to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed."

That was the ground of claim of the Presbyterians of the Church of Scotland, to an equal establishment in the colonies. Now, he thought he had shown that the question of religion was expressly excepted from the consideration of the commissioners at the time of the Union, and that the security of the Scotch church was confined to Scotland. But if that proved anything at all, it proved too much, for it would prove that they had equal rights to share in the Established Church in England and Ireland. He appealed to their Lordships whether that was not the necessary consequence? Could there be anything a more complete *reductio ad absurdum* than that? What was the effect of the union between Scotland and England, as respected the imperial laws of the United Kingdom? He spoke with deference, considering where he spoke, and before whom he spoke, but yet he could not refrain from expressing his conviction on the subject. He ventured to assert, that the constitutional doctrine was, that the laws of England were the imperial laws of the dominions of the United Kingdom. In Scotland alone was there an exception, that within the limits of that country the Scottish law prevailed. He held in his hand a judgment of one of the most learned and most eminent lawyers that had ever adorned this House,—he meant the late Lord Redesdale, who in the great Strathmore case said:—

> "If your Lordships will look at the Act of Union, you will perceive that nothing is stipulated with respect to the continuance of the laws of England; but it is evident, and it has always been conceived, that the law of England was thenceforth to be deemed the general law of the realm of Great Britain—the new created realm of Great Britain—except as qualified by the particular provision with respect to the laws of Scotland contained in the 23d article of the Union." "I think it is evident, from the whole frame and texture of the articles of union, the laws of England were those which were to attach on the United Kingdom, except as they were qualified by particular provisions respecting Scotland." "You cannot construe the provisions in the articles of union, with respect to the law of Scotland, to extend beyond the local district of Scotland." . . . . . .

He did not know whether he should be met by the argument, that there the learned Lord spoke of the United Kingdom, but said nothing of the territories; but if that were said, he could reply, that that learned person did not go beyond the question before him; but he would venture to say, that the principle was sound—that the law of England was that which pervaded all the territories of the British empire, except where it was modified by some express saving clause. In conquered countries, certainly, there was an exception, as until Parliament interfered, they must be governed by the King and Council. Now, 130 years had passed since the Union, but still the English law was that which prevailed in our colonies. He would state the two great particulars in which that was shown. It was in regard to property and marriage. What was the case with regard to property? That the law of England was the law which regulated all property acquired by Englishmen, and possessed by them in a foreign country; so much so, that if a Scotchman were to go to one of our colonies, acquire a domicile there, afterwards return to this country, and, before acquiring a domicile here, go to Scotland, and soon after die intestate, the law of England would be applied to the administration of his effects. That was the case of Dr. Monro in 1815, in which the question was, whether he was, at the time of his death, domiciled in England or Scotland, on account of the administration of his effects. And Sir John Leach thus ruled—that it was not to be disputed that Dr. Monro was domiciled in India, and that a domicile in India was within the province of Canterbury, and therefore the law of England, and not of Scotland, was to be applied in the administration of his personal estate. So much for the illustration afforded by the application of the English law to property in the colonies. Now, as to the law of marriage, he need not remind their Lordships, that the Marriage Act was confined to England and Wales, and did not extend beyond. What was the marriage law of the colonies? Their Lordships would find that the law of England, as it subsisted before the new Marriage Act, subsisted still as the marriage law of all our colonies, except where it was modified by some special provision. That this was the case in Newfoundland, even so late as the 57th of George 3d, appeared from the act which was then passed for regulating marriages in that colony. Their Lordships, too, were aware, that in order to constitute a valid marriage, it was necessary for it to be performed "*per presbyterum sacris ordinibus constitutum.*" Were it not for the passing of this act, all the marriages to which he had referred would have been void. He conceived that, according to the laws of England, the ministers of the Church of Scotland could not be included under the term "clergy." He apprehended that it would not be a legal and sound construction of any Act of Parliament to say, that the words "Protestant clergy" could mean therein ministers of the Church of Scotland, and for this reason, that by law the Church of Scotland had never been established in any part of the realm of Great Britain, or the dependencies thereof, other than the kingdom of Scotland. In the colonies, the ministers of the Church of Rome could legally solemnize marriage, for the law allowed that power to those who had received episcopal ordination, but denied it to those who had not; and thence it was that the ministers of the Church of Scotland, not having received episcopal ordination, could not legally solemnize marriage. Now, it would be for the noble Viscount to show, if he could, that the ministers of the Church of Scotland had received episcopal ordination. It would be for those who held opinions opposite to that which he (the Bishop of Exeter) maintained, to prove that ministers of the Church of Scotland could be included under the term "clergy." In Lower Canada, an Act had been passed legalizing the marriages which, before the passing of that Act, had been solemnized by the ministers of the Church of Scotland, ministers of other churches, or by justices of the peace. It declared those marriages to be good and valid, but, at the same time, it provided that nothing contained in the said Act should be construed to render valid any marriages solemnized by such parties subsequent to the passing of the said Act. Its preamble was in these words:—

> "Whereas, since the conquest of this province by the arms of his Majesty, many marriages have been held and solemnized by ministers of the Church of Scotland, by persons reputed to be such ministers, by Protestant Dissenting ministers or persons reputed to be such, and by justices of the peace. Now, for the preventing and avoiding all doubts and questions touching the same, be it declared and enacted, that all marriages had and solemnized within this province since the 13th of September, 1759, by &c. (repeating the description of the persons as in the preamble), shall be, and shall be adjudged, esteemed, and taken to be and to have been good and valid."

And he hoped that their Lordships would bear in mind that this enactment was accompanied with a most important proviso in these words—

> "That nothing contained in this Act shall be construed or taken to confirm any marriages which shall be celebrated after the passing of the Act."

This statute, as must be evident to their Lordships, gave relief, but so far from recognizing marriages by ministers of the Church of Scotland, it declared that the marriages in future solemnized by them should be null and void. The 33rd of George 3rd, cap. 5, declared the necessity of rendering valid marriages contracted in Upper Canada, on the ground that there was not a sufficiency of Protestant clergy to discharge all the duties of the ministry, and this Act further declared valid all marriages solemnized between parties not labouring under canonical disqualifications; and here he begged to observe, that the objection to the solemnization of marriages by the ministers of the Church of Scotland rested wholly upon the ground that they were canonically disqualified. The title of the Act of the 33rd of George 3rd, cap. 5, was—

> " An Act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada."

In considering the construction and effect of the law in this question, it was most important for their Lordships to look at the intentions of the Legislature, and those intentions he apprehended were best to be collected from the preambles of the Acts upon which the matter at issue depended. The preamble of this statute was in these words:

> " Whereas many marriages have been contracted in this province at a time when it was impossible to observe the forms prescribed by law for the solemnization thereof, by reason that there was no Protestant parson or minister duly ordained residing in any part of the said province, nor any consecrated Protestant church or chapel within the same."

And then it proceeds—

> " Be it enacted and declared, that the marriages of all persons not being under any canonical disqualification that have been publicly contracted before any magistrate or commanding officer of a post, &c., or any other person acting in a public employment, shall be confirmed and considered to all intents and purposes good in law." Section 3.—" Until such time as there shall be five parsons or ministers of the Church of England incumbent or doing duty in their respective parishes or places in any one district in this province, parties desiring to intermarry may apply to any justice of the peace, &c. Such magistrate to solemnize marriage according to the form prescribed by the Church of England."

The 38th of George 3rd, authorized the solemnization of marriage by clergy belonging to all denominations under the circumstances therein specified. It declared that—

> " All ministers or clergymen of any congregation or religious community of the Church of Scotland, Lutherans or Calvinists, were authorized, under certain restrictions, to marry; and marriages celebrated since the passing of the 33rd George 3rd (above quoted), by ministers of those sects who should have complied with the regulations imposed by this statute are rendered valid, if between members of such congregations."

Clearly showing that the law of the land did not recognize any marriages solemnized by ministers of the Church of Scotland, the term " Protestant clergy" in those Acts never having any other meaning than clergy of the Church of England. The words " Protestant clergy" in a British Act of Parliament could have no other meaning. As to the opinion given in 1819 by Sir Christopher Robinson, Judge of the Admiralty Court, by Lord Gifford, then Attorney-general, and by Lord Lyndhurst, then Solicitor-general, in which those learned persons stated that the term " Protestant clergy" might be construed to extend to the established clergy of the Church of Scotland, but not to the Dissenting ministers, that they were limited to those recognized and established by law, and did not extend to others, he should only say, that if the last whom he had mentioned of those three learned and eminent persons were now in the House, he had no doubt the noble and learned Lord would give his reasons in support of that opinion; but with great humility, but, at the same time, without hesitation, he ventured to say, that the authorities which he had cited were limited to the power and jurisdiction possessed by that Church within the ancient realm of Scotland, and related to the Church by law established in that part of the United Kingdom, and in no other, nor in any part of our dependencies. It was established by treaty, entered into and agreed upon between two independent states, and the power of the Church could not go beyond those limits. The Act of the 24th of Henry 8th, cap. 12, for the restraint of appeals, declared—

> " That this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same, unto whom a body politic composed of all sorts and degrees of people, divided in forms and by names of spirituality and temporality."

It set forth the fitness and ability of "the spirituality, now usually called the English Church, to give judgment in all cases spiritual;" and proceeds to say, that

> "Whereas the King, his most noble progenitors, and the nobility and Commons of this realm made sundry ordinances, laws, &c., for the entire and sure conservation of the prerogatives, &c. of the said imperial Crown of this realm, and of the jurisdiction, spiritual and temporal, of the same."

The Act of Supremacy, 1st of Elizabeth, c. 1, is thus recited in the Quebec Act:—

> "The King's subjects of the religion of the Church of Rome of and in the said province of Quebec may enjoy the free exercise of their religion, subject to the King's supremacy, declared and established by an Act made in the 1st of Queen Elizabeth, over all the dominions and countries which then did or hereafter should belong to the imperial Crown of this realm."

Therefore, neither the Church of Rome nor the Presbyterian Church of Scotland could have ever been by law established in that province without the express repeal of that statute. It followed clearly from that Act, that the Church of Rome could by law never have been established in Canada, for that Church denied the supremacy of the King, and asserted that of the Pope, while the Church of Scotland equally denied the supremacy, and was, therefore, restricted to the limits of Scotland. He thought he had now laid before the House a sufficient *primâ facie* case to show that the word "clergy" really meant the clergy of the Church of England as by law established; and he, therefore, maintained that he had laid full and sufficient grounds for the first question which he intended to propose should be submitted for the consideration of the judges—namely,

> "Whether the words 'a Protestant clergy' in the 31st George 3rd, c. 31 (s. 35 to 42), include any other than clergy of the Church of England, and Protestant bishops, and priests, and deacons who have received episcopal ordination? And if any other, what other?"

For the remaining questions, it appeared to him that he had likewise laid sufficient ground, and in proof of this he need only refer to the message of King George 3rd, in which that monarch specially desired that sufficient provision might be made for the Protestant clergy in Canada, and recommended that in future no grant of land be made in Canada without the reservation of one-seventh as a provision for the clergy. He need hardly remind the House that these reserves were the property of the Crown. The remaining questions which he had to propose to the Judges were—

> "Whether the effect of the 41st section of the 31st George 3rd, c. 31, but not entirely prospective, giving power to the Legislative Council and Assembly of either of the provinces of Upper or Lower Canada, as to future allotments and appropriations; or whether it can be extended to affect lands which have been already allotted and appropriated under former grants? 3. Whether, there being a corporation legally established for the management of the lands so allotted and appropriated, such Council and Assembly have power to apply the rents and profits arising from the lands already so allotted and appropriated to any other use or purpose whatever than the maintenance and support of a Protestant clergy? 4. Whether in the bill of the Legislature of Upper Canada, now lying on the Table of this House, entituled 'An Act for the Sale of the Clergy Reserves, and for the Distribution of the Proceeds thereof,' these powers, or either of them, have been validly exercised?"

Before the question was put to their Lordships, he would state a fact which he rejoiced that it was in his power to communicate. By that very day's post he had received a newspaper from Upper Canada, containing three distinct protests against the bill, which had been entered by several members of the Legislative Council; but that to which he especially would direct their Lordships' attention was one made by the hon. Mr. Elmsley, one of those members, a son of the late Chief Justice of Lower Canada, and a very amiable and honourable, as well as opulent, man. He was a Roman Catholic; and, being a Roman Catholic, he felt so strongly the iniquity of this bill, that he entered a very earnest protest against it, one part of which he begged to read to their Lordships:—

> "Because, although power is given to the provincial Legislature to vary and repeal the several provisions contained in the Constitutional Act respecting the allotment and appropriation of the clergy reserves, such powers must of necessity be limited to the details of the measure, and cannot be construed to extend to the principle. Absolute departure from the original intentions of the Imperial Parliament could never have been meant. The Provincial Parliament have, therefore, no constitutional power to enact the bill which passed this House yesterday, inasmuch as the vital principle of the 31st George 3rd, chap. 31, is sacrificed, and a precedent established fraught with perils to our dearest interests, spiritual and temporal."

The right rev. Prelate concluded by moving, "that the questions he had read be submitted to the Judges."

Viscount *Melbourne* could not help expressing some regret, that the right rev. Prelate should have thought it necessary to enter so fully into the subject to which his motion related, and he promised their Lordships, that he would not follow the right rev. Prelate into the very elaborate arguments he had used as to the interpretation to be put upon the constitution of the Canadian clergy, or the application of the clergy reserves, or upon any of those questions which their Lordships would have to decide in disposing of the motion of which the most rev. Prelate (the Archbishop of Canterbury) had given notice for Monday next. The right rev. Prelate had not only gone into very profound legal arguments upon the subject, but he had made several charges of no light character against her Majesty's Government. He had stated, in the first place, that it was owing to the neglect and misconduct of Government that this matter had not long ago been set at rest; and that the Government ought to have thought a fair opportunity had been offered to them to give a decision which would have made it unnecessary for him to call upon that legal authority, the benefit of whose opinion he was now desirous of receiving. The right rev. Prelate had said, that the Government ought to have placed this matter in a train for legal decision: that they ought to have brought it before the Judicial Committee of the Privy Council for determination. The right rev. Prelate said,

> "You offered that to the clergy of the church of Scotland in Canada, but they refused it; yet when the clergy of the Church of England there wished for such a reference of the matter, you rejected that proposal. This is owing to your immense partiality to Dissenters, and your decided hatred and dislike to the Church of England. It is sufficient for you that men be against the Church, that a sect should be hostile to the Church, you take them up immediately; and on the contrary, it is sufficient for you that the cause is that of the Church, for you to discountenance and discourage it."

Now, he begged to state to the right rev. Prelate, and to their Lordships, that he was not influenced by such feelings; he was not sensible himself of any such partiality for Dissenters, or any such dislike to the Church of England. His feelings were rather of a contrary nature and character; and he was sure that the statement of facts which the right rev. Prelate had made did not bear him out in the charge which he had thought proper to urge against her Majesty's Government on that matter on the present occasion. He must say, that the Secretary of State for the Colonies was quite right in offering that mode of deciding the question to the clergy of the church of Scotland in Canada which he did offer; and he thought that when he was asked by the clergy of the Church of England, he was quite right in not acceding to the request, because the object was to settle the matter satisfactorily to the whole of Canada, to bring the entire question to an amicable arrangement, and to do that which would allay and compose the differences that prevailed. But from the tone of the answer of the church of Scotland, from the manner in which the offer had been received, it was perfectly clear that no satisfactory settlement of the question could be arrived at in the way proposed by the clergy of the Church of England. Seeing, then, that a fair and proper settlement could not be produced by that means, the Government acted with wisdom and good policy in not putting the matter in that train which it was plain could not possibly lead to a satisfactory solution and settlement of the case. The right rev. Prelate had gone minutely into that which certainly formed the main question upon which their Lordships would yet have to come to a decision—namely, what was the meaning of the words "Protestant clergy" in the 14th and 31st of George 3rd, because their Lordships would observe that the latter was only a copy of the former. The Act of Parliament reserved all the rights of the Roman Catholic clergy of Canada, saving to his Majesty the right of making such provision as it was fitting to make for the maintenance of the Protestant clergy, and for the support of the Protestant religion. He then only begged to ask, if by "Protestant clergy" was meant the clergy of the church of ngland, or the clergy of the church of England and the church of Scotland why did not the Legislature of that day say so? Why did they not say the clergy of the church of England and the church of Scotland? Was it possible to believe, looking to that act, that the words "Protestant clergy" were not carefully chosen and selected for the purpose of embracing a much larger denomination of Christians, and of extending the provisions of the act exactly in the manner in which they had now been extended by the bill which had been sent from Upper Canada? Otherwise, why should there be such a departure from the language and phraseology of all former Acts of Parliament? He would answer for it that they never found the Church of England, in all the statutes relating to the Church of England, called by the words the "Protestant Church," or the "Protestant clergy of the Church of England." The word "Protestant" was unquestionably a very great word in the doctrines of the Church of England; it was a great word in our ecclesiastical history, but it was not to be found in the 39 Articles of the Church—he believed not; he did not think it was either in the body or the title of those articles. He did not mean positively to say so, but he believed that to be the case. He had not read them all; he had read about half of them. He had read the most material—all those relating to the discipline of the Church. The Church of England was never called the "Protestant Church" in the statutes and ecclesiastical authorities, it was called *Ecclesia Anglicana*. The Act of Uniformity called it "the Church of England" throughout, and so did the Act of Toleration. He thought, but he would not positively assert it, that in Acts of Parliament the word "Protestant" was hardly ever used unless when applied to Dissenters from the Church of England; unquestionably it was so used in the Act of Toleration. At all events it was not a word introduced into the Church of England at an early period; it was brought from Germany, and referred to matters which had taken place in Germany, but to nothing which had taken place in England, and it was generally, he should say, applied to foreign churches, and not to the Church of England; whereas the application of all Acts of Parliament referring to the Church of England was to that Church as "the Church of England." It appeared, therefore, to him that there was a very strong presumption, amounting almost to a certain inference, that the words the "Protestant clergy" were carefully chosen and selected in that Act of Parliament for the purpose of leaving it open to the Government thereafter to make that distribution which might be called for by the prevalence or dominance of particular forms of religion in that country; because their Lordships would observe that that colony was then connected with the neighbouring states of America, which, though the troubles had commenced, had not been separated from Canada, and therefore it was more than probable that the Legislature at that day, looking forward to the establishment of some sort of—or rather not establishing in Canada that Church of England which was the Church of our own country, but which unquestionably they never had established exclusively in those dependencies. He argued, then, that the term "Protestant clergy" did not mean that which the right rev. Prelate had maintained it did; and that the term "clergy of episcopal ordination," in acts of Parliament of James and Elizabeth, could not mean the established clergy only, he thought was quite certain, because no man could deny that the episcopal clergy of Scotland were a clergy, though they were not an established clergy. With all that part of the right rev. Prelate's argument which would make a difference between the Church of England and the church of Scotland he had no fault to find, because the one had no more right than the other to these reserves; the church of Scotland had no more an exclusive right under the act of Parliament to this grant than the Church of England. Seeing that the right rev. Prelate had anticipated so much of the argument which their Lordships would have to go through on a future occasion, he had thought it necessary to state this much on this subject. With respect to the main question now under discussion—that these questions be referred to the judges, he owned he did not see any necessity, or occasion, or reason, for pursuing such a course. It was a course which had not often been pursued by that House. It was a course liable, in his opinion, to some inconvenience, and not called for by the nature of the present question. The act of Parliament was plain; the words of it were clear and precise. There was no legal subtlety or legal technicality involved in the words of the act. There was nothing of any legal difficulty about the question; it was one which could be easily interpreted by any man who was capable of forming an opinion upon the subject, though not a lawyer. But if the matter were referred to the judges, they would not decide it in such a way as to satisfy all parties, because they would act in such a case as the counsel and advisers of that House, without having the question argued before them. It would not be beaten out by counsel on one side or on the other, and therefore their opinion would be given in a way which would acquire little authority in consequence of the imperfect information upon which it would be founded. Therefore, since it was a case upon which it was easy to come to a decision, and upon which no benefit would arise from having the opinion of the judges, he thought it would be better for their Lordships to proceed without submitting these questions to those learned persons.

The Duke of *Wellington* said, it was not his intention to discuss the questions upon which the opinion of the judges was required; all that he meant to trouble the House upon was, whether the questions should be put to the judges or should not. Neither did he think it necessary to follow the noble Viscount through that part of his address to their Lordships which related to his defence against certain supposed charges which he imagined the right rev. Prelate had made against the Government; he certainly did not understand the observations of the right rev. Prelate to have taken that shape in which they appeared to the noble Viscount. That which the right rev. Prelate did, and did most ably, was to state his opinion of the meaning of certain words in the acts of the 14th and 31st of George 3rd., upon which the noble Viscount had stated a directly opposite opinion; and the result of these two opinions of the right rev. Prelate and the noble Viscount was—at least the conclusion he drew from these different opinions of those two great authorities—great legal authorities, was—that their Lordships did require the opinion of a third party, and that third party the judges of the land. Here was an act of Parliament, the 31st of George 3rd, in which certain words were used, to which the right rev. Prelate attributed one meaning, and with great justice too, for there could be no doubt whatever that there were certain terms used and certain regulations enacted in that act of the 31st of George 3rd, which were applicable solely to the clergy of the Church of England. They could mean nothing else but the church of England. The noble Viscount, on the other hand, who did not mean to put himself forward as a legal arguer, said that certain words in the 14th and 31st of George 3rd must mean all clergy whatever. This, then, was another reason why their Lordships ought to have some opinion on that point, in order to assist them in respect to the meaning of the words; because there could be no doubt, that if the meaning of those words was, that the word "clergy" meant the clergy of the church of England, the Canadian bill was one which ought not to receive the Queen's confirmation. To go further, the right rev. Prelate had referred to particular parts and clauses of an act passed in the 7th and 8th of George 4th, in which the same signification was asserted. It was not an act by which any powers were conveyed to the Canadian Parliament to alter or repeal former acts; and that was a point upon which the right rev. Prelate had very properly desired to have the opinion of the judges. He thought the judges could have no difficulty in giving an opinion upon that point, however they might feel with regard to other points. But with respect to the act of the 31st of George 3rd, it was quite clear that the reserves, whether they were made for the clergy of the Church of England or for the clergy of all sects generally, were made for a Protestant clergy. That was admitted by the noble Viscount himself. But it appeared that this measure included in its provisions the clergy of the Roman Catholic persuasion. That was another reason for asking for assistance to enable the House to decide whether or not it ought to use the power it has under the Act of Parliament to beseech her Majesty to withhold the royal assent from this bill. The right rev. Prelate had advanced grounds for requesting the opinion of the judges which had not been at all refuted or disturbed by the noble Viscount. Even he had stated his difference of opinion from the right rev. Prelate, and had said enough to show the House, that when such differences existed they ought, in fairness, to call for assistance to enable them to come to a proper decision. He should, therefore, support the motion.

Lord *Abinger* could not help thinking, that upon the statement of the noble Viscount, contrasted with that of the noble Duke, it was proved to a demonstration that it would be necessary to ask the opinions of the judges. Upon that subject, so far as related to the meaning of the words "Protestant clergy," he must own, that he thought that any man who came fresh to the subject must have a very overweening confidence in his own judgment, if, after having heard the arguments advanced by the right rev. Prelate, he could come at once to an opposite conclusion. He owned that he should wish, although much inclined to agree with the right rev. Prelate, for an opportunity of consulting the judges on this subject. With respect to another part of this case, he confessed that he thought it so clear, that it did not admit of a difference of opinion. He would in a few words call their Lordships' attention to this part of the case. By the act 31st George 3rd, he believed that it was the 35th clause, it was provided, that no grant should be made of any land to any of his Majesty's subjects, unless the grant contained an allotment and appropriation of some portion of the land, bearing a certain proportion to the whole, for the purpose of affording support to the Protestant clergy. Now, under that clause, many grants of land had been made to individuals, and many allotments had been made out of those grants to the Protestant clergy, because, if such an appropriation had not been made, the grants themselves would have been void. Now, then, came another clause, enabling the Canadian Legislature to vary and alter the provisions of that act. But what was the effect of that clause? It enabled the Provincial Legislature to alter the provisions of that act in future, but he could not think that any man who knew anything of law, and was accustomed to the acknowledged rules of construction where an act of Parliament was called in question, would venture to say that the act gave them any retrospective power. Now, let their Lordships suppose that these appropriated portions of land had been enjoyed by incumbents under appropriations made by the different parties, and that the Canadian Legislature had the power to undo all that had been done. He could not imagine, for one moment, that any one would contend that such a power of varying and altering an appropriation which had been already made, was vested in the Colonial Legislature; that could only be done by the Legislature of this country, which could do anything. But, what was very remarkable in this Canadian Bill was this—the power given was not to affect provisions which had already been made, but those which might be made afterwards, and yet it would be found, upon an examination of the bill, that they had exercised a retrospective, and not a prospective, power. This blunder was so extraordinary that he could not conceive how it could have been made, and he thought that it must have required a Cabinet Minister to make it. As some doubt had been thrown upon the meaning of the words "Protestant clergy," it was in his opinion advisable that the question should be referred to the judges. As to the other point, it was so clear that there could not be a doubt upon it.

The Lord *Chancellor* said, that as his noble and learned Friend felt so entirely certain upon the subject, he wished to say that he (the Lord Chancellor) had a doubt which had not found its way into his noble and learned Friend's mind. It appeared, that what his noble and learned Friend called "an appropriation," was not an appropriation for any particular service, but was a reservation and an endowment for some particular purposes. His noble and learned Friend's argument was founded upon the appropriation of these lands to particular individuals; but as this was not the case, his argument had no foundation whatever. This bill, their Lordships were well aware, had two subject-matters with which it dealt. It not only dealt with land, at that time the property of the Crown, but it also dealt with the tithes of existing rectories. Now, these rectories were Catholic rectories, and, therefore, the point on which his noble and learned Friend relied, failed him altogether. The act of 14th George 3rd required that the occupiers of land should pay tithes to the Catholic incumbents, provided they were Catholics themselves; but where the lands were occupied by persons not Catholics, they were not to be compelled to pay their tithes to the Catholic incumbents, but those tithes were to be at the disposition of the Government for the purposes intended by the grants made to the Protestant clergy. Now, it was clear that the persons protected from the payment of tithes to Catholic incumbents, were all the individuals who were not Catholics, of whatever denomination of Protestants they might be. Then came the 35th clause, which enacted that the appropriation of the land as well as the tithes reserved, should be at the disposal of the Crown, and that no appropriation should be made, except by any act which might be passed by the Legislative Council and Assembly, and which should receive the assent of his Majesty, his heirs, and successors. Here, then, they saw that the provisions of the act might be irretrievably altered by the Colonial Legislature, and that they had the power of altering what his noble and learned Friend called an appropriation, but what ought to be called reserved property. He only wished to mention this point, because his noble and learned Friend felt so certain upon it, otherwise he should not have thought it necessary, as he was equally certain the other way. He did not mean to say, that the act of 1791 might not require the assistance of the judges, if any particular legal construction was to be put upon it; but the question was not as to the construction of the act of 1791, but whether the Colonial Legislature had the power to repeal that act. If there were any doubt whether the Colonial Legislature had the power to repeal that act, that question might be a subject of consideration for their Lordships, but it was not a question which ought to be submitted to the judges. As to the second question of the right rev. Prelate, it was limited to this—whether the effect of the 41st section of the 31st George 3rd, c. 31, were not entirely prospective, giving power to the Legislative Council and Assembly of either of the provinces of Upper or Lower Canada as to future allotments and appropriations; or whether it could be extended to affect lands which had been already allotted and appropriated under former grants. Now, to show how entirely his noble and learned Friend had been mistaken in his views as to appropriation, he begged to call their Lordships' attention to the clause which related to the endowment of Protestant rectories. That clause authorized the Crown from time to time, by an instrument under the great seal, to endow every such parsonage or rectory with so much or such part of the land as the Governor-General, with the advice of the Council, should judge to be expedient under the then existing circumstances of the said country. How then could it be said that these reserved lands were reserved exclusively for the Church of England? The Governor was only to allot so much of the land as, under the then existing circumstances of the case, he might think proper. There was also another clause to which he wished to call their Lordships' attention—the 42nd. It was to the effect, that whenever any act or acts should be passed containing any provision which, in any manner, affected the form or mode of religious worship, or the payment, recovery, or enjoyment of any emoluments, stipends, or dues of any priest, ecclesiastic, or minister, then it was not to pass into a law until thirty days after it had been laid before Parliament. This surely contemplated a local act with the power of granting or imposing provisions which affected the mode of religious worship. He would now come to the motion made by the right rev. Prelate. The first question which he had proposed related to the construction of the act of the 31st George 3rd, as to the power of the Colonial Legislature to repeal that act. Then there was another question, whether that legislature had the power of repealing it prospectively or retrospectively. Now, he certainly had never seen anything come so entirely within the definition of a leading question as these questions of the right rev. Prelate. It was as much as to say, "You will find that there is no real doubt about it;" and this was the way in which the right rev. Prelate proposed questions for the consideration of the Judges. It was suggesting what answer a witness should give. The question was put thus: "Is it not entirely prospective?" And the right rev. Prelate asked, "Can it be extended to affect lands which have been already allotted and appropriated under former grants?" Now, the way in which these questions should be put would be such as would obtain a statement of the law, and then the application of the law should be left to Parliament. The third question was liable to the same objections. As to the fourth question, he apprehended that it was entirely contrary to law, because it put the whole question to the Judges. The question "Whether these powers had been validly exercised?" was asking whether these powers were or were not legal? He did not mean to enter into a discussion of the legal merits of the question on the present occasion, nor should he have expressed any opinion at all, if his noble and learned Friend had not rather challenged him on the point of appropriation. He would now tell their Lordships what the effect of the right rev. Prelate's motion would be, if it should be successful. There were only six judges at present in London; and, if the opinion of the judges were required, they ought to have the solemn opinion of the whole. Some of them were now on the circuit, and, as he understood, they would not be able to return till next week, so that it was absolutely impossible to obtain the opinion of the whole body. Again, whatever opinion they might pronounce, the facts on which that opinion was given must form a subject of debate on the ensuing motion of the most rev. Prelate, which must, if that opinion were given, be necessarily abstracted from the consideration of their Lordships. He submitted that the better course would be to take the discussion on the most rev. Prelate's motion first, in the course of which much light would no doubt be thrown on these questions; and if any doubt afterwards existed, then it would be time to move that one or two questions be submitted to the judges for the purpose of obtaining any information that might be required.

Lord *Wynford* said, if he had entertained any doubt as to the propriety of consulting the judges, all that doubt would have been removed by the difference in opinion between his two noble and learned Friends. He was sure, that after the difference of opinion among lawyers which had been expressed, that was quite sufficient to induce their Lordships to agree to the motion. Such a case had occurred when he had the honour of being Lord Chief Justice of the Court of Common Pleas, when a question was proposed to the judges as to usury in India. The noble Viscount had said, that he did not consider this question a matter of any difficulty. He did not think it a matter of very great difficulty, but he begged leave to state, that the view he took of it was entirely different from that of the noble Viscount. Whether the noble Viscount or himself were right he did not know, but he wished to have the opinion of the judges to inform him. The question was as to the meaning of the words " Protestant clergy." He could not think, standing as those words did in this act of Parliament, the 31st Geo. 3rd, that it was possible to apply those words to any other persons than the clergy of the Church of England. The clergy of that church were Protestant clergy, and he should say that those words, speaking generally, meant the clergy of the Church of England; but if there could be any doubt as to the point, it was removed by the clauses which immediately followed. The clergy, under the act, were to be clergy subject to the canons of the Church of England. What other clergy were subject to those canons but the Protestant clergy of the Established Church of England? They were to be subject to Bishops. What other clergy in the British empire were subject to Bishops except the Roman Catholic clergy, who could not of course be considered "Protestant clergy." The noble Viscount thought they could not do any good by consulting the judges with reference to this discussion on the very important motion of which the right rev. Prelate had given notice. He thought it would have a very material and important effect on that discussion; because, if the view of the subject taken by his right rev. Friend were correct, it would remove a great difficulty out of their way. If the Legislature of Canada could not by law do that which they had done, there would be no occasion to discuss the policy of addressing the Queen to withhold her assent from this act. The question as to whether the Colonial Legislature had power to repeal the 31st of George 3rd, was shown to be one of great difficulty, by the contrary opinions which had been expressed upon it by two very learned and eminent persons. Whether all the questions were worded as they ought to be, he could not say; but in substance, as far as regarded the first of them, at least, they were calculated to get at that information which was wished for. He had no hesitation in saying, that the clergy reserves were expressly reserved for the purposes of the Church of England, and it would be a violation of the act of Parliament which formed the constitution of Canada, to take from the clergy of that Church those reserves, and apply them to other purposes. It would also be a most unjust violation of the rights of the Church, aggravated by the fact that the clergy of the Church of England in Canada were not at this moment in that condition of prosperity which a well-wisher would desire. Instead of being convinced by what had fallen from his noble and learned Friend on the Woolsack, that they ought not to send these questions to the judges, he was convinced that it would be most proper to do so.

The Earl of *Haddington* said, that on a former occasion, he had taken the liberty of urging on their Lordships' attention the claims of that great body of his fellow-countrymen who were established in Upper Canada. The claims which they had preferred to a share of the clergy reserves had received the sanction of the law officers of the Crown at the time they were made, and as no other noble Lord connected with the northern part of the United Kingdom appeared inclined to take part in this debate, he was anxious to say a very few words on the subject. He begged to say, that both in what he had said on a former occasion, and in the observations he was now going to make, he was actuated but by one feeling—the earnest desire that his Christian fellow-countrymen in Upper Canada should have religious instruction afforded to them by clergymen of their own church. He always saw with very great pain any occasion on which the two established churches of the empire were brought into anything like hostile or unfriendly collision, and for that reason he had listened to a great portion of this debate with much regret and concern, but he should feel that he was not doing his duty to the interests of his countrymen if he allowed this debate to pass without saying a few words. He had listened with great attention to the very able speech of the right rev. Prelate at the table. Not being learned in the canon law like his noble Friend opposite, and having still less pretension to enter into a discussion with the right rev. Prelate on a subject of that kind, their Lordships need not apprehend that he was about to make the attempt. Indeed, if he were capable of doing so, he should only be trespassing needlessly on the attention of the House, as the right rev. Prelate stated his object to be to get the opinion of the judges. The right rev. Prelate had adverted to the claims set up by the Presbyterian Synod of Upper Canada, through its moderator, the rev. Mr. Gale. He begged leave to say, that he did not at all consider himself bound to adhere to the arguments of the rev. Mr. Gale, drawn from the Act of Union. Most undoubtedly there were many persons who did conceive that, under the articles of union, in the colonies conquered by Great Britain after the union, the Church of Scotland had as clear a right to the support of the State as the Church of England could have. He had looked through the two acts referred to by the right rev. Prelate—the act of the Scottish Parliament, establishing the Church of Scotland, and the act of the English Parliament, establishing the Church of England. Unquestionably all that the Scottish act did was to secure the Presbyterian establishment within Scotland, for the very excellent reason that that country had, at the period of the union, no colonies or territories beyond sea subject to it. In the English act there were found the words "and the territories thereunto belonging," which unquestionably covered all the colonies subject to England at the time when the act was passed. It was the opinion of many persons that the colonies acquired by the kingdom of Great Britain since that time were differently situated. The right rev. Prelate had stated a number of reasons to their Lordships why that should not be the case, and it was no part of his intention at present to enter into any controversy with the right rev. Prelate on the question. The right rev. Prelate had shown that the English marriage law prevailed in the colonies acquired subsequently to the union, but he hardly thought that told much in favour of the right rev. Prelate's views on this question between the two establishments. He thought the right rev. Prelate carried the argument too far when he maintained that the words "Protestant clergy" could by no possibility apply to the ministers and clergy of the Church established in the other part of the United Kingdom. If the right rev. Prelate was right in saying that the Church of England was the only church that could by law be established in the colonies, no doubt the church of Scotland must be excluded; but, with very great deference to the right rev. Prelate, he thought that, to restrict the term "Protestant clergy" to the Church of England, was a straining of the words beyond what they would bear. He was only anxious that the proper meaning to be attached to those words should be given to them, and had no desire whatever that the Church of Scotland should come into collision with the Church of England in the colonies. Impressed by what appeared to him to be the plain and rational meaning of the term "Protestant clergy," and fortified by the opinion in favour of the Church of Scotland given by the law officers of the Crown, he had, on a former occasion, recommended to their Lordships' notice the claims of his countrymen in Canada to a share of the clergy reserves. Would the right rev. Prelate allow him to put a case which might tend to set the view for which he was contending in a just light. He would suppose an act of Parliament to be framed, extending to the whole of the United Kingdom, and conferring some exemption or privilege to the clergy. Would the right rev. Prelate contend that the clergy of the Established Church of Scotland would not come within the meaning of the act as clergy? He apprehended that they most unquestionably would, else what would be the effect? The episcopal clergy of Scotland, dissenting from the Established Church of Scotland, according to the doctrine of his noble Friend opposite, which was accepted by the right rev. Prelate, would be entitled in Scotland to the exemption or privilege from which the clergy of the church established in Scotland by law would be excluded. The right rev. Prelate would be very willing to admit the title of the clergy of the episcopal church in Scotland, in the case which he supposed—he was prohibited by the act of the union from calling it the Church of Scotland. Thus the established clergy of Scotland would be excluded, and a body of Dissenting clergymen would be admitted, according to the right rev. Prelate's view. Under the law, as it had hitherto stood, the natives of Scotland, in a very important part of the colonial empire of Britain, saw the episcopal clergy, who, in their own country, were a Dissenting clergy, engrossing the whole of the clergy reserves, and their own clergy, who were established by law in Scotland, excluded from any participation in them. The consequences of this state of things, if it were allowed to continue, he feared would be such as their Lordships and the empire must deeply deplore. If his countrymen in Canada at all resembled their brethren at home, which he apprehended was likely enough, their attachment to their own church was one of the strongest feelings that belonged to them, and he apprehended that there could not be a greater misfortune than to raise in the minds of those men an idea that there was a tendency on the part of the Legislature of this country to degrade the church to which they belonged, which they looked up to with reverence and gratitude, and which they knew was established by law in the country of their birth. It was of the most essential importance to this part of the population of Canada that they should have teachers of their own church. The bulk of them were men of humble birth, and following laborious occupations, and he could assure their Lordships that they would not go to any other church. With them this subject was one of immense importance, and they carried with them from their own country an attachment to its own church, which was one of the strongest feelings of their hearts. The result would be, that if the clergy of the Church of England were established in sufficient numbers to teach them, still they would not attend on such ministrations. Preachers would come from the United States to supply their want of instruction, for the soundness of whose religious tenets there could be no security, and whose politics would unquestionably be of a most objectionable character. He very much feared, that, if due provision were not made for the religious wants of these persons, whether from the proceeds of the clergy reserves, or some other source, for all he wished was, that proper instruction should be afforded them in the religion to which they belonged, the most serious consequences would follow in the alienation of their minds when they were led to believe that they were treated with injustice. He had already observed, that they formed no inconsiderable portion of the population of Upper Canada. He should be very sorry if, in what he had said, he were considered guilty of the presumption of laying down the law to their Lordships, than which nothing could be further from his intention. He was most anxious not to claim for the Church of Scotland anything more than strictly belonged to her in law. What he was anxious to obtain was, that if that Church were really not entitled to any share in the clergy reserves, she should have aid from the State, and that Parliament should consider it part of its duty to see that instruction was provided for her members. He certainly thought it desirable that the opinion of the judges should be taken on this subject, and, therefore, he should vote for the motion of the right rev. Prelate. But he might be permitted to observe, that he did not know whether the first question which the right rev. Prelate proposed to put might not be considered something of a leading question. He should be glad if the right rev. Prelate would allow the Church of Scotland to be mentioned in the question. His principal object was to direct the attention of the judges fairly to the claims of the clergy of that Church.

The Bishop of *Exeter*: My notion was to include Scotland, but I could not do it without using a word which would give rise to an argument. I could not do it without naming the clergy of the Church of Scotland, which I did not wish to do. I left it out for the sake of peace.

Lord *Ellenborough* hoped that his noble Friend who had just sat down would consider again and again before he agreed to put in any form the first of the right rev. Prelate's questions. It might be right, after the opinion which had been expressed by his noble and learned Friend near him, and the contrary opinion expressed by the noble and learned Lord on the Woolsack, to put the second question, inasmuch as the noble and learned Lords appeared to entertain very different opinions as to the legality of this proceeding of the Legislature of Upper Canada. But he wished to draw their Lordships' attention to the first of these questions. They were desired to ask the learned judges what was the meaning of the words "Protestant clergy." He had ventured to express his doubts, when this subject was last before the House, whether it were fitting that they should put any questions to the judges respecting it. He doubted whether they should not confine themselves to putting questions to the judges when specific information on legal points was absolutely necessary to direct their Lordships in legislating wisely. It appeared to be an entirely novel proceeding for their Lordships to go to the judges for the purpose of ascertaining their judicial opinion, and afterwards report to the Crown their opinion upon the law to guide the Crown in giving or withholding its assent to the act. It was for their Lordships undoubtedly to express their opinion, if so called upon, on the expediency of this act of the Legislature of Upper Canada; but he confessed it still appeared to him, after all that had been said by the right rev. Prelate, that it rested with the advisers of the Crown to consult with the legal advisers of the Crown for the purpose of guiding its conduct, and that it was not for their Lordships, for the first time, to express a legal opinion on the subject. But if it were, why ask the judges their opinion on the first point? That point was entirely beside the question of law. It had a material bearing on the question of expediency, but no relation whatever to the question of law. For no matter whether by the Protestant clergy were meant the clergy of the Church of England, and the episcopal clergy of Scotland, and the Established Church of Scotland, or other descriptions of clergy were to be included, it had no bearing as regarded the question of law, because, under the 31st George 3rd, the Legislature of Upper Canada had the power of changing and repealing the law as respected the proportion to be allotted to that Protestant clergy. They were called upon to ask the meaning of the term "Protestant clergy." Why, the act of the Colonial Legislature now under consideration appropriated part of the clergy reserves to the Roman Catholic clergy, who there could be no doubt did not come within that description. Therefore the whole question of expediency was open to them, but that of law was closed; for there was no doubt that the Legislature of Upper Canada had altered the disposition of the reserves as settled by the 31st. George 3rd, and there could be no doubt that they had the power of doing so under the restrictions imposed by that Act. On the ground of principle, therefore, it was not desirable that they should put a question to the judges on that one point. But was it expedient? He thought far from it, very far from it indeed. He did not think, if their Lordships found the opinion of the law advisers of the Crown in 1819 confirmed by an opinion of the judges favourable to the Church of Scotland, that they would very much improve the condition of the Church of England in Upper Canada; and if the opinion of the judges should be contrary to that of the law advisers of the Crown, he did not think they would have done anything for the preservation of peace in the colony. He entirely agreed with his noble Friend in thinking that the Church of Scotland in Canada ought to be provided for from the public purse. He knew no other funds which were available for this purpose but the clergy reserves, and if this Act should not be sufficient to include them, he was ready to agree to an imperial act for that purpose. He was ready to go further. It was impossible for any man who had read with attention the papers submitted to their Lordships for the last two or three years to avoid coming to the conclusion to which he had arrived—that it was utterly inconsistent with the peace of Canada, and with the present relations between the mother country and that colony, to attempt to maintain the ascendancy of the Church of England there. The thing was impossible. It might be desirable, but it was impossible. It was incompatible with the maintenance of the connexion between this country and the colony. He was, therefore, not disposed to run the risk of attempting it; and it was for this reason that he strongly advised their Lordships not to ask for an answer to the first question. If their Lordships should resolve to put one of those questions, he thought that they ought to put another, which went to the root of the whole question, and that was whether, when the Act gave power to transfer to the Colonial Legislature certain proceeds arising out of the sale of the clergy reserves in Canada, and invested in the funds of this country, and also gave power to sell all the lands of the clergy in Upper Canada, when the Act of the Imperial Parliament said, that only a portion of them, not exceeding a fourth part of the whole, should be sold, it was not *ipso facto* invalid. He thought that if their Lordships went to the judges with that question, there could be no doubt as to the answer which they would receive. The judges would tell them that the Legislature of Upper Canada had not power to make such a sale of the clergy reserves, and that their bill was therefore altogether invalid. He would rather come to that conclusion than to the conclusion at which the right rev. Prelate had arrived. He confessed that there was nothing to which he looked with greater apprehension than the defeat of the natural wishes of the people of Upper Canada by their Lordships, and particularly by that portion of them which represented the Church of England in that House. He knew of nothing that would prove more fatal to the Church of England in Upper Canada than such a defeat. The Church of England maintained itself with great difficulty there already. It was not likely to receive many recruits to its ranks from this country, as the emigrants who proceeded thither were in general either Presbyterians or Roman Catholics. It derived little assistance therefore from emigration, and must look to the converts it made for the propagation of its doctrines. It was not looked on with favour. He was sorry to say that no established religion ever was. The first duty of a Christian state was to establish gratuitous instruction for the people in matters of religion. That was his opinion, to which the Assembly of Upper Canada had at last come, though it had long entertained a different opinion. Let their Lordships, therefore, take advantage of this favourable movement, and use the present opportunity, the last, perhaps, that Parliament might have, to establish a religious education for the people of Upper Canada. He had prepared a question which he would propose should be put to the judges, after the House had decided on the questions proposed to be put by the right rev. Prelate. He would ask the judges, whether the Act of the Legislature of Upper Canada was legal; and whether that Legislature had not exceeded the powers given to it under the Act of the 31st of George 3rd, by altering the provisions of an Act of the Imperial Parliament which gave no power to the Colonial Legislature to alter it.

The Bishop of *London* could not remain silent after the speech which had been just been delivered to their Lordships, although it had been his intention when he entered the House to take no part in the present debate. He had listened with unmixed pain and sorrow to the declaration which had just been made by the noble Lord, who was not less distinguished for his talents and his eloquence, than he was for his zeal and attachment for the Church of England. The noble Lord had declared that after deliberate inquiry he had arrived at the conclusion that it was impossible for the Legislature of England to maintain the ascendancy of the Established Church of England in the colonies. Now, what was the meaning of the term "ascendancy," as applied to the Church of England in the colonies? Was there any man who claimed for the Church of England in the colonies the same ascendancy as that which it enjoyed in this country. Was it not positively excluded from such ascendancy in Upper Canada, by an Act of the Imperial Parliament, by that Act which gave rectories to the clergy, but with the express proviso that they were not to exercise the same rights which were attached to rectories in this country. Moreover, was there in Upper Canada a single office under the Government from which a Dissenter, as a Dissenter was excluded? The ascendancy which he asked for the Church of England in Upper Canada was simply this—that it should be permitted to remain in possession of the property which had been assigned to it by the Legislature; and, therefore, when the noble Lord said that it was impossible to secure for the Church of England ascendancy in Upper Canada, he must mean that it was impossible to secure to it the rights of property which it now possessed. Now, unless their Lordships were prepared to abandon their own rights of sovereignty over the colony of Upper Canada, they must maintain there the rights of property belonging to the Church. If the contrary doctrine were admitted to be correct in the colonies, it would not be long before they would have it applied to the Church of England as established in Ireland; and not only to the Church of England as established in Ireland, but also to the Church of England in those parts of England, where, owing to the neglect and inattention of the Government, the Church of England was not able to carry out its functions in a manner at all commensurate to their sacred and important character, as at Liverpool and in other parts of Lancashire. In making that remark he did not mean to attach blame to the present Government exclusively; on the contrary, he was complaining of the neglect which many former Governments had exhibited to ecclesiastical affairs, and especially to ecclesiastical affairs in our colonies. He must again repeat his deliberate conviction, that the Church had not been attended to as it ought in our different colonies. He felt most grateful to that Sovereign who, as head of the Church of England, had felt it to be his duty to make provision for the clergy of that Church in our different colonies. He was, however, sorry to say that his most gracious intentions had not been carried fully into effect, and that those reserves which he had got allotted for them, had been suffered to remain in an unimproved state, and that the very fact of their being in an unimproved state, had been turned into an argument against their continuance for the object to which they were devoted. Instead of such an argument being deduced from their unimproved state, the true inference was, that some new mode of arranging them should be adopted, by which they could be rendered serviceable to the purposes for which they were intended. He held it to be the duty of the clergy of the Church of England, not to spare any efforts to give the Established Church a legitimate ascendancy. He held it to be a vital principle of the constitution, that the Protestant religion should be upheld in every colonial dependency of this country; and when he saw the efforts that were now made in all our colonies, to elevate the church of Rome and to weaken and depress the Protestant Church, he could not hear without deep sorrow and alarm so distinguished an advocate of Protestanism, as the noble Baron was known to be, declare in his place in Parliament, that we could not maintain in our colonies the ascendancy of the Church of England, or, in other words, Protestant ascendancy. Let it not be forgotten, that there was already in Lower Canada an established church, and that that established church was Roman Catholic. The two Canadas were on the point of being united to each other. Their Lordships were therefore bound to look to the state of the Church in each of those two provinces. The Roman Catholic religion, he repeated, was the established religion in one of those provinces. They were about to secure to the clergy of that religion, the enjoyment of a large mass of property, to which their title had been hitherto disputed. Now, when they were settling this matter so much in favour of the church of Rome, it was not exactly the proper time to deprive the Protestant Church of that which she conceived, and, he believed, conceived justly, to be her rights. He repeated, that he could not hear in silence the declaration which had just fallen from the noble Baron. If the noble Baron should persevere in pressing the question which he had given notice of, he trusted that there would be sufficient Protestanism found among their Lordships to prevent it from being put to the judges. Their Lordships might depend upon it, that a wound of this nature, though inflicted now upon one of the extremities, would soon be felt in our most vital parts. Every blow inflicted upon Protestantism in our colonies made itself felt after a time at home. He hoped that there would be found sufficient Protestantism in this, the first Protestant assembly in the world, to prevent them from deserting the Church of England, and from suffering it to be weakened first of all in the colonies, and afterwards at home. Let their Lordships look upon this country as the citadel of Protestantism, and not suffer a blow to be dealt at it, which must weaken it in its remotest outworks.

The Earl of *Ripon* would not enter, at present into the general merits of the act upon the table, as another opportunity of discussing them would be afforded to their Lordships. He would confine himself to the consideration of the proposition of the right rev. Prelate—namely, whether these questions ought or ought not to be put to the judges? He should doubt whether there was any necessity for putting the first question on the right rev. Prelate's list; for he did not think that it would follow that the act ought not to be assented to. however the doubt of the right rev. Prelate might be solved by the judges. He must confess, that when he came down that evening to the House he entertained doubts whether he should vote for the putting to the judges any one of those questions; and though he was now disposed to vote for putting to the judges the second of the right rev. Prelate's questions, and also the question proposed by his noble Friend near him, he must recommend the right rev. Prelate to withdraw his third question. He should vote for putting the second question to the judges for the very reasons assigned by his noble Friend at the head of the Government for not putting it: for his noble Friend had laid it down as a principle decided in his own mind, and not to be doubted in any other quarter, that these words "a Protestant clergy," could not mean the clergy of the Church of England exclusively, but must apply to the clergy of all Protestant sects of whatever denomination. Now, the expression of such an opinion by his noble Friend had certainly taken him quite by surprise. No such opinion had been previously stated in the discussions which took place on this question, both in that house and in Upper Canada. It had never been propounded either to the law officers of the Crown in 1819, or to the committee which sat on the affairs of Canada in 1828; and if they looked either to the evidence which was then given, or to the documents which were now upon the table, they would see that the notion of dividing these clergy reserves among all sects of Protestants never had arisen; and, therefore, he was disposed to think that some opinion from the judges on this part of the case might be desirable to aid the judgment of their Lordships. He did not wish to be understood to say, that if the judges should be of opinion that the words of the act did not include all sects of Protestants, there might not be reasons of policy, expediency, and prudence, leading their Lordships to include them all. But certainly it was a point on which there ought to be a clear understanding. On the other point which had been touched on by his noble Friend near him, relative to the appropriation of the funds arising from the sale of the clergy reserves, he must observe, that he considered it vital on this question as to their power to do anything. He meant that this act varied, for it did not repeal, all the clauses relative to the creation and endowment of rectories. But it not only repealed other clauses appropriating the reserves which it had the power to deal with by the act of the 31st George 3rd., but it also repealed another act passed in 1827, which did not contain a clause authorising the Canadian Legislature to deal with it at all. That was a great difficulty as far as the conduct of that Legislature was concerned, for if the Legislature of Canada had no right, by its own authority, to repeal the act of 1827, this act could not be valid in reality, even though the Crown should give its assent to it.—[Lord *Melbourne:*—An act may render it valid.]—You may have an act! Yes, that was the real, true, constitutional remedy; but then, how comes the necessity of so dealing with this subject? This was an act recommended to the Colonial Assembly by the Governor-General. He sent them down a draught of this law, and they passed it with some minor alterations, and both the draught and the act itself contain a clause repealing the imperial act of 1827. The provision about the re-investment of the money was recommended in the act as it now stands; but that was not all. Their Lordships would find that there was a clause both in the bill of the governor and in the act passed by the Colonial Legislature, directing the appropriation in a new form of all proceeds arising from the clergy reserves, sold or to be sold. Now, there were no sales of clergy reserves, except under the act of 1827. That act directed a portion to be sold not exceeding a fourth of the whole, and provided that the proceeds should be invested in the funds in England, there to be applied to the improvement of the clergy reserves, or in such other way as should best promote the objects for which the clergy reserves were set aside, and for no other objects whatsoever. Such were the words of the act of 1827. That act was repealed by the present act, and he should be surprised if he were told that the Colonial Legislature had the right to repeal an act of the Imperial Parliament. If the Canadian Legislature had not that right, they had manifestly exceeded their powers. He looked upon this as a matter of great importance. He might be wrong in his view of the law of the case, but his experience led him to doubt whether the Colonial Legislature had the right which they had exercised in this bill, and therefore he thought it at any rate expedient that their Lordships should have the opinion of the judges upon it.

The Earl of *Galloway* merely rose to prevent it being thought that the peers of Scotland were indifferent to the feelings of the Presbyterians in Upper Canada. One of the most important functions of Government was, to see that religious instruction was conveyed to all classes of the people, and he could not discern any grant of public money more important than one for such a purpose. But the question was not now whether a grant should be made for that object, but whether it was competent for the Legislature of Upper Canada to apportion any part of the fund reserved in Canada for the religious education of the people to any purpose but that of education, according to the principles of the Church of England. He had entertained great doubts upon the subject himself; he had looked at the act of Parliament. In the first part of it a "Protestant clergy" was mentioned, and there it might be explained in different ways; but, in the latter part of it, the clergy of the Church of England were distinctly mentioned, and, therefore, the general intention of the act might be inferred from the specific mention of the Church of England at its close. The inclination of his mind was, that "a Protestant clergy" was used for the clergy of the Church of England. He was pledged in Scotland to support church extension, and in stating the opinion which he had just uttered, he was doing nothing in contravention of that pledge. He felt bound to support his own religion, but he would not do so at the expense of committing an act of injustice to those who professed a different religion. The bill which had come to them from Canada, proposed, not only to give these funds to the two Established Churches of Great Britain, but also proposed to share them with the Roman Catholics. Now, all through the act of 1791, these funds were exclusively devoted to the Protestant clergy, be they Presbyterian or Church of England, and, therefore, the Canadian Legislature must have exceeded its powers, in granting them to the Roman Catholic clergy. Their Lordships required on this subject the ablest legal advice, and when they had obtained it, they would be better able to decide on the whole question.

Lord *Ashburton* apprehended that each of these questions proposed by the right rev. Prelate should be put separately. This question had created a great deal of irritation, both in England and in the colonies. The great matter to be determined was, what was to be the meaning of the statute, where the words " Protestant clergy" were used. The noble Lord denied that the Canadian Legislature could define what that meant; but they had already done so. It was quite clear that the distribution of the ecclesiastical property to the Catholic clergy could not be included in the terms of the act. No one could be more desirous than he was, to see the Church of England established throughout every part of the British dominions; and a grievous mistake had been committed, in not establishing it at the first formation of this colony. Masses of population had been sent out, without the slightest attention being paid to their spiritual charge. But if the right rev. Prelate (the Bishop of London) spent only six weeks at present in Canada, he would find it to be wholly impossible to establish a dominant church there, as was proposed by the clergy. Such an institution was opposed to all the habits of thought, and prejudices of the people. And the difficulty would only be increased in the present excited state of their minds. The real question involved in this discussion was, to ascertain the real power of the Colonial Legislature—whether, in fact, the act of that Legislature was good for anything at all? Unless this was accurately ascertained, legal quibbles would inevitably arise; they would be charged with exceeding their powers, the apple of discord would be again thrown amongst them, and their entire arrangement would be absolutely worthless. It would be with the greatest reluctance that he should refuse his consent to any bill brought in for the purpose of accurately defining the limit to which the power of the Colonial Legislature extended.

The Bishop of *London* had not urged the formation of a "dominant" church in Canada. The question was not whether the Church of England were to be the dominant church in that colony, but whether it were to continue in existence—not whether its revenues were to be enlarged, but whether it were to be extinguished altogether.

The Marquess of *Lansdowne* said, that the question as to the claims of the Church of England to ascendancy, or rather as it had been defined, to exclusive payment and endowment in the colonies, was one of too vast magnitude and importance for him to enter upon it at the present moment. It was now proposed to be put to the judges, as a matter of doubt, whether, under the designation of Protestant clergy, the Presbyterian clergy were to be included. He believed that the act included both churches. But then the noble Earl opposite found that in one clause the clergy of the Church of England were carefully included, and when he found the words carefully excluded from another portion of the bill, therefore the noble Earl concluded that the same clergy were referred to solely by the bill. That was, however, contrary to all the rules for construing acts of Parliament. It had been proposed by noble Lords on the opposite side that the whole of the clergy reserves should be vested in the Crown at once. Now that would have been violating the act of 1791, and to the extent of preventing those reserves forming any fund for the clergy at all. Now that was indeed an act of violation—an act, to use the words of the right rev. Prelate, of gross and scandalous spoliation, for it deprived the clergy of their "vested rights," and made them absolutely dependent upon the Crown for ever. After having acted upon one opinion for many years, the proposition of the right rev. Prelate tended to do this—to throw all into doubt; and to open to the Canadians the discussion of this question, that those funds were to be given to those of one religion alone, and excluding all the rest. He was glad that the opportunity was afforded to the House of fully weighing all the consequences, and considering all the responsibility of the measure now submitted to their Lordships. They would, he was sure, consider what would be the effect of their determination upon their colonial dominions, and he would say upon the doctrines of the Church of England itself. He hoped, however, that the right rev. Prelate would see the propriety of altering his motion, especially as to the third and fourth resolutions, referring to a charter. If the right rev. Prelate retained those resolutions, he would only be leading the judges astray. He had inquired at the Colonial Office, and he could assure the right rev. Prelate that there was no charter of any such corporation, nor had there ever been any such charter. On the grounds he had referred to, he hoped the House would be induced not to allow the questions to be put.

The Earl of *Galloway* explained that the impression upon his mind was, that the Protestants of Scotland were excluded by the terms of the act. He had not, however, said that he had made up his mind fully upon the subject, and he must be sure of what the intentions of the Legislature were before he could give his vote in favour of the act of the Canadian legislature.

The Bishop of *Exeter* did not mean at that late hour to trespass on their Lordships' time at any great length, but there were one or two points on which he trusted he would be permitted to offer a few observations. As to the corporations alluded to in the third question which he had proposed, he would tell their Lordships the course which he had taken. He had taken these corporations as he had found them. He was, however, told by the noble Marquess that no charter existed; but individuals who had acted under that charter had told him the reverse. He found, in fact, that there was a charter granted in 1816, and also another subsequent to that time having relation to the upper province. Why had not those charters been produced? He had applied to the Government to lay them on the Table, but the Government had as yet made no return to the order of the House. He had no doubt that those charters did exist, and he was persuaded that they had a valid and legal existence. He would not, however, discuss the point, and all that he had to say on the matter was that he was quite ready to strike out the words in the proposed questions which related to corporations. There was one point more to which he wished to allude. It was, contended that some provision ought to be made for the Presbyterians. Now, as far as the Presbyterians in connexion with the church of Scotland were concerned, he should be glad to see assistance given them, and he only implored their Lordships not to put their hands into the pockets of the clergy of the Church of England in order to provide that assistance. He had been astonished to hear it said by a noble Lord in the course of the debate, that there was no other quarter from which such assistance could come than the clergy reserves. Now what was the opinion of the Governor-general upon this subject? The Governor-general said, that there was in fact so little to be divided, that it was not worth disputing about, and yet it was proposed to take away a part of that little, when the whole was totally inadequate for the purpose for which it was intended.

> "Nil habuit Codrus: quis enim negat? Et
> "Tamen illud perdidit infelix totum nil."

As he understood it, these reserves were set apart as an endowment for the clergy of the Church of England, and it was because he believed they belonged to that clergy, that he asked their Lordships to consent to the motion which he had made.

Their Lordships divided: Contents 57; Non-contents 40; Majority 17.

List of the Contents.

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Mountcashell
Longford
Bandon
Charleville
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St. Vincent
Canning
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Yarborough
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De Freyne
AND
Two Tellers.

Paired off.

CONTENTS.	NOT-CONTENTS.
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Marquess of Huntley	Earl of Rosebery
Marquess of Salisbury	Duke of Bedford
Marquess of Thomond	Earl of Uxbridge
Marquess of Ailesbury	Earl of Carlisle
Earl of Winchelsea	Duke of Roxburghe
Earl of Aberdeen	Duke of Norfolk
Earl of Carnarvon	Earl of Suffolk
Earl of Glengall	Lord Talbot of Malahide
Viscount Sydney	Earl of Zetland
Lord Dynevor	Lord Sherborne
Lord Wharncliffe	Lord Byron
Lord De Saumarez	Lord Wenlock
Lord Fitzgerald	Lord Montford

The two last questions of the right rev. Prelate were withdrawn, and the question suggested by Lord Ellenborough was agreed to.

PRIVILEGE.—BILL TO AUTHORIZE PUBLICATION.] The House in Committee on the Printed Papers' Bill.

Lord *Kenyon* said, that petitions had been presented to their Lordships from Mr. Howard and from Mr. Stockdale, praying to be heard by counsel at their Lordships' bar against certain parts of this bill, and he trusted that there would be no objection to the granting of the prayer of the petitioners.

Viscount *Melbourne* had no objection to hear the counsel for the petitioners.

Counsel called in.—The learned gentleman said, that since he had entered the House he had been applied to by Mr. Stockdale to advocate his cause. That, however, was impossible, as he had not had time to make the necessary preparation. He therefore trusted their Lordships would allow him some time to prepare himself, as the case of Mr. Stockdale was essentially different from that of Mr. Howard.

Lord *Denman* said, that both the petitioners had full notice that they were to attend that evening by their counsel, and therefore they ought to have given their instructions in proper time. He had, however, no doubt that the learned counsel who was instructed to appear on their behalf, would be able, notwithstanding the shortness of the notice, to do justice to the cause of his clients.

Lord *Kenyon* said, that in consequence of the arrangement which was made on Monday evening, he had that morning made it his business to go to Newgate, and to acquaint the parties that if they meant to appear by counsel they must be prepared to do so in the evening.

Lord *Wynford* thought that sufficient time had not been given.

The *Lord Chancellor* said, it was absolutely necessary for the bill to pass by a certain time, and if the parties had not instructed counsel in proper time, that might be a hardship upon the counsel, but it was no reason why the proceedings of the House should be delayed. The bill had been before the House a fortnight, and the parties must have had time to make the necessary preparations.

The Duke of *Wellington* said, that there being a necessity for the bill to pass by next Wednesday, their Lordships would not have come to the resolution of hearing counsel unless they had considered it incumbent upon them to do so. But if it were incumbent upon the House to hear counsel, they should be heard in earnest, and when properly prepared. He thought, therefore, that a little time should be given for preparation, and as the understanding was, that the bill was only to be committed *pro formâ* that night, he did not see why it might not be recommitted on Thursday, and the report brought up on Friday. This appeared the best way of doing substantial justice, which must be the object of their Lordships.

The *Lord Chancellor* had no objection to this arrangement

The House resumed.

HOUSE OF COMMONS,

Tuesday, April 7, 1840.

MINUTES.] Petitions presented. By Mr. Villiers, from Westbromwich, against Church Extension.—By Mr. W. Miles, from Berry, against the Repeal of the Corn-laws.

WAR WITH CHINA.] Sir *J. Graham* said, when he considered the magnitude and difficulty of the subject which it was now his duty to bring under the consideration of the House, when he thought also of the immense national interests which were involved in the question, and of the perilous condition in which those interests were placed at this moment, he confessed he almost shrank from the task he had imposed on himself, not so much on account of his conscious inability to discharge it even to his own satisfaction, as from the apprehension lest any inadvertent expression or imprudence on his part should add to the difficulties of the present emergency, or place in still greater jeopardy the mighty interests which were at stake. But he thought it was impossible, considering the present state of our relations with China, as evinced in the papers which had been laid on the table, that the House could with advantage to the public interests any longer delay——though not invited by the Crown—to express its opinion on this subject. He therefore conceived that he was discharging a public duty when he brought this question under the notice of the House, and he should most faithfully discharge it by giving utterance to the feelings and impressions which a careful and attentive consideration of the subject had produced on his own mind. He feared he should not be able to command the attention of hon. Members during the whole time he must occupy in bringing under their notice the details of this great question; but at all events, he should best deserve their patient forbearance if, without any laboured exordium, he at once proceeded to the subject-matter upon which he desired to engage their attention. In the first place, he must beg to call to the serious and most attentive consideration of the House the magnitude of the interests involved in our relations with China. He was guilty of no exaggeration when he stated that one-sixth of the whole united revenue of Great Britain and India depended on our commercial relations with that country. Last year the revenue paid into the Exchequer of this country on account of tea amounted to no less a sum than 3,660,000*l.* Besides that, there were other receipts arising from imposts on imports into that country, making the British revenue derived from our intercourse with China no less than 4,200,000*l.* per annum. Then again with respect to India, where our difficulties were principally financial, he begged to call the attention of the House to the large proportion of the revenue which India derived from China. The gross income was stated somewhere about 20,000,000*l.* annually, and, unless he was greatly mistaken, the income derived by India from China was no less than 2,000,000*l.* annually, and the chief inconvenience of our intercourse with India arising from the difficulty of remittance, China had afforded this remarkable facility, that year by year, since the trade was opened, there had been an annual influx from that country into India of specie averaging 1,300,000*l.*, and amounting last year to 1,700,000*l.* He thought he had stated enough to induce the House to give its attention to this subject, which must appear a most important one, considering that at the present moment, whether at home or in India, our difficulties were chiefly financial. But he should not be doing justice to this subject if he did not in a single sentence refer to the peculiar character, the vast importance, the great strength of the Chinese empire. If unhappily we were now on the verge of a rupture with that country, nothing could be less wise than to despise an enemy; it was prudent in time well to consider what were the resources, and what the strength, of that country with which we were about to engage in a hostile struggle. He must say he thought a general fallacy prevailed in this country with respect to China. Our intercourse being restricted to a single port, public opinion with regard to that great empire was formed with reference to Canton alone. If he wished in the plainest manner to illustrate the extent of this error, he should say it was exactly as if a foreigner, who was occasionally permitted to anchor at the Nore, and at times to land at Wapping, being placed in close confinement during his continuance there, were under such circumstances to pronounce a deliberate opinion on the resources, genius, and character of the British empire. He begged just to call the attention of the House to what was the real truth with respect to the Chinese empire. It was inhabited by 350,000,000 of human beings, all directed by the will of one man, all speaking one language, all governed by one code of laws, all professing one religion, all actuated by the same feelings of national pride and prejudice, tracing back their history not by centuries but by tens of centuries, transmitted to them in regular succession under a patriarchal government without interruption; and boasting of their education, of their printing, of their civilzation, of their arts, all the conveniences and many of the luxuries of life existing there, when Europe was still sunk in barbarism, and when the light of knowledge was obscure in this western hemisphere. But, apart from their numbers, apart from what he had mentioned with respect to that unity which was strength, he called the attention of the House to their immense wealth. They possessed an annual revenue of 60,000,000*l.*, regularly collected; they had no debt, they inhabited the largest and fairest portion of Asia; more than one-third of that country they cultivated, under the finest climate, with unwearied industry—the soil is most fertile, watered by vast rivers, and intersected by a canal 1,200 miles in length, one of the standing wonders of the world; and in every portion of that immense empire there was one uniformity of system, one jealous suspicion of strangers, evinced both on the shores of the Yellow Sea, and all along on the confines of Ava, Nepaul, and Bokhara. Surely, then, he was justified in the outset in asking the House whether it were not wiser to trade than to quarrel with such a people—whether it were not better to conciliate them by the arts of peace than to vex them with the threats and cruelties of war? There was one remarkable characteristic of this people, to which he had already alluded—their extreme jealousy and suspicion of strangers. This was their general policy; and he could well understand that with respect to Great Britain this policy was with more than ordinary strictness observed. He would only glance for a single moment at what he conceived to be the natural cause of this policy on the part of the Chinese. If they looked across the Himalaya mountains they saw Hindostan prostrate at the feet of England, and they were not so ignorant as not to be aware of the policy which had led to that result. Hardly a century had elapsed since from a small beginning that British empire had arisen. And how? We commenced our connexion with India under the pretence of trading and semblance of commerce. Scarcely a century had passed since the first English factory was established there. A single warehouse was at first built; it was then surrounded by a wall. We next added a ditch, armed the labourers, and increased the number of Europeans. A garrison was thus formed, and then we began to treat with the native powers. Having discovered their weakness, we seized on Arcot, triumphed at Plessey; and what a Clive began the Wellesleys completed — Seringapatam was stormed, the Mysore was conquered, and the Mahrattas fell under our dominion. These successes terminated in the battle of Assaye, when India became ours. Nor was this all. He did not mean to enter into the more disputed questions of modern policy, but the Indus and the Ganges no longer contained the limits of the British empire. The Hydaspes had been crossed, Candahar and Cabul had witnessed the march of the British troops, and Central Asia trembled at our presence. Was it not natural, then, for the Chinese, seeing what had passed in India, to feel jealous of allowing any permanent settlement of a British factory within their territory? But, whatever was the cause, the fact was certain, that the policy of the Chinese turned on two cardinal points—the exclusion of strangers from residence as of right within their territory, and the denial of any direct communication with their viceregal authorities. We had carried on successfully commerce with that people for upwards of two centuries, but a great change took place in the manner of its management in 1833, when the trade was thrown open, and the control and administration of it were removed from the East India Company. He hoped the House would permit him to read some passages from an admirable letter written in the year 1832, by the directors of the East India Company to their superintendent, resident at Canton. The letter was written in answer to a communication received from the superintendent during the preceding year, stating the circumstances of a misunderstanding which had occurred between the superintendent and the authorities at Canton. He would not enter at length into the points of that misunderstanding, but would merely state to the House, that it arose out of a want of proper attention to the prejudices of the Chinese, and to the regulations which they had established respecting the admission of British females into the factory at Canton, and from the enlargement of the esplanade in front of that factory by a few feet. He quoted this letter with the greater confidence, because he knew that the matter of it was the subject of great deliberation to the Ministers, and he believed that it was submitted to the head of the Government at that period, and met with his entire approval. At all events it was a document which, at the present time more especially, was well worthy the attention of the House. The right hon. Baronet read a despatch from the Board of Director to the British supercargoes at Canton, dated the 13th January, 1832, in which the board stated, that the trade to China had originally been sought by themselves, and that the advantages which it yielded them were great, and that, notwithstanding the attempts which had been made to adopt a belligerent policy, they were convinced that a pacific course was best to be pursued in their intercourse with the Chinese, and that they could not refuse to China what our own country claimed —the right exclusively to regulate the grounds on which any intercourse would be permitted with other countries. They impressed on the supercargoes the fact that China was perfectly free to regulate her own affairs, without the intervention of any other person. They regretted that any misunderstanding should have taken place, and stated, that it was their desire that the superintendent should sedulously avoid entering into any discussion with the Chinese government, except when absolutely necessary, and that, in such a case, the discussion should be carried on with temper and moderation, and closed at the earliest possible period. The directors stated further their desire to correct a dangerous notion, which was but too common with the merchants who inhabited Canton, which was, that nothing was to be gained from the Chinese by attention to their laws, but that every thing was to be gained by intimidating them.

> "You may, for a moment, said the Court of Directors, set the government of China at defiance, but not only do they take the first moment to assert their dominion, but may take also the first moment to deprive you of some advantage which either tacitly or openly you have heretofore enjoyed."

They stated that they were borne out in this opinion by the events of 1829, and state, that they are struck with the contempt exhibited by the supercargo for the authorities of China, and his unwarrantable freedom in commenting on the laws and institutions of that empire. The real and sound principle of the management of our intercourse with China, and of our trade with that country, had been laid down with explicit strength and truth in this document. Two hundred years' experience of a policy which ended in the most successful manner, bear testimony to the wisdom of those views. In the same paper a reference is made to the opinion of a revered and noble Friend of mine, now no more. Application had been made to Lord William Bentinck by parties who sought for certain demonstrations against China, and his answer to them was, that it was quite impossible to doubt that the discontinuance of trade with China would be one of the greatest calamities which could befall the East India Company and the nation. Lord W. Bentinck added, that it was the bounden duty of the Company to give their best aid to the establishment of so great a source of revenue and commerce to this country. He could not lend himself without the sanction of a superior authority to any change in the pacific policy which had been hitherto invariably and successfully followed towards China. He would not detain the House by reading any more of these documents, the publication of which preceded the change in our trade with China. He had the honour of being a servant of the Crown, and a colleague of the noble Lord, the Secretary for Foreign Affairs, when the Chinese Trade Act was introduced. He was, therefore, responsible for every portion of the act, and he held himself responsible also for the instructions issued by the British Government at that time, as well as for every thing which then took place with reference to China, till it was his misfortune to differ with those who were his colleagues on other grounds. It was vain to dissemble that the great change introduced with respect to the China trade was attended with considerable danger. It was felt to be so at the time, and those who had an experience and knowledge of the Chinese, of their character, and of the mode in which the trade was conducted, expressed in a very marked and decided manner their dissent from the course which Lord Grey's Government adopted. It was impossible for him to refer to any authority more entitled to weight and respect than that of the hon. Baronet, the Member for Portsmouth. Wisdom *après coup* was of very little value, but that foresight which anticipated the future must be regarded with admiration, when subsequent events had demonstrated the accuracy of the prediction. Sir G. Staunton, before the China Trade Act was introduced, and when the question of the renewal of the East India Company's Charter was under consideration, and the Government had announced their intention of throwing open the China trade, took occasion to move certain resolutions. These resolutions were not treated with much respect or attention at the time. He did not know whether the hon. Member for Bridport made his usual motion for adjournment, but one of the sheriffs of London proposed that the House be counted, and the resolutions of Sir G. Staunton were not at that time put on record. Subsequently the hon. Baronet moved them, and the prudence which dictated them was now manifest. He would read two of the most important, as bearing on the present state of affairs. The right hon. Baronet read the 6th and 7th resolutions, as follows:—

> "That this influence, being the sole existing check now in operation for the control and counteraction of the corrupt local administrators of the peculiarly arbitrary and despotic government of China, it is indispensably necessary to the security of our valuable commerce with that country, that whenever any change shall be made in the British commercial system, having the effect of putting an end to this influence, an equal or greater instrument of protection be at the same time created and substituted for it under the sanction of a national treaty between the two countries, without which previous sanction any attempt to appoint national functionaries at Canton for the protection of trade would, in the present state of our relations with China, not only prove of little advantage to the subject, but also be liable, in a serious degree, to compromise the honour and dignity of the Crown.
>
> "That notwithstanding the failure, in this respect, of all complimentary embassies to the court of Pekin, however otherwise beneficial they may have been in raising and producing the due recognition of the national character, the evidence of the treaties which have been repeatedly negotiated by the Chinese government with that of Russia, through the medium of the commissioners duly appointed on both sides, not only for the adjustment of boundaries, but for the regulation of trade, prove that there is no insurmountable obstacle to such an arrangement."*

Now, the House would observe that Sir G. Staunton regarded previous communication with the imperial authorities at Pekin as an indispensable preliminary to the establishment of a representative of the British Government at Canton. With respect to the latter part of the resolution, attention was paid to it in the act which was introduced, but the hon. Baronet's advice with respect to communications with Pekin was not followed, and had not up to the present time been acted upon. He thought it would lead to a more clear comprehension of this part of the subject, as a very considerable portion of this case turned upon one clause in the China Trade Act, if the House would allow him —it would lead them to understand more clearly what he should think it his duty to say before he sat down, to read the clause which was inserted according to the recommendation of Sir G. Staunton, for the trial of British subjects, even in the waters of Canton. He might appeal to his hon. and learned Friend, the Judge of the Admiralty Court, if this clause was not at least a straining beyond international law. But it was under the peculiar circumstances recommended by Sir G. Staunton, and adopted by Lord Grey's Government. He prayed the attention of the House to the very large powers which are given by that clause. The right hon. Baronet read the clause:—

> "That it may be lawful to her Majesty, by an Order in Council, to give to the superintendents, or any of them, power over the trade and commerce of her Majesty's subjects in any part of the Chinese dominions, and to make regulations for the government of her Majesty's subjects in their dominions."

Thus not only the very largest powers for regulating the trade and commerce of her subjects in the Chinese dominions were given to the superintendent; but it was also enacted:—

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* Hansard, Third Series, Vol. xviii p. 649.

> "That he should certainly have the power to impose penalties, forfeitures, and imprisonment, and to make such regulations as may be necessary in the manner specified by the Order in Council, and that it might be lawful to her Majesty in Council to establish courts of judicature in those dominions, or in the ports, harbours, and havens thereof, and in the seas beyond one hundred miles of the Chinese coasts."

He was not misrepresenting that clause, when he said that it was not possible for any terms to be larger than the terms there employed. It gave to her Majesty's council (so long as she chose to exercise it) an arbitrary power over her subjects in the dominions of China, and on the waters of that empire limited only to 100 miles from the coast. This brought him to the appointment of Lord Napier, and he should draw the attention of the House to the more material parts of his instructions. Previous warning and subsequent experience proved to demonstration that two points in those instructions were erroneous. One of the points which he considered erroneous was the imperative order, to be found in page 2 of the Chinese correspondence, given to Lord Napier to take up his residence at Canton, and discharge his duties there. It was thus worded:—

> "In execution of the said commission you will take up your residence in the port of Canton, in the dominion of the Emperor of China; and you will discharge the several duties confided to you by the said commission and orders in council respectively at Canton aforesaid."

The House would observe that no previous communication had been made with the imperial government at Pekin. The next point which he considered erroneous was the order, to be found in page 4, to Lord Napier, to announce his arrival by a letter to the Viceroy. These two orders were entirely adverse to the feelings and policy of the Chinese, who denied us the right of residence at Canton and the right of direct communication with the vice regal authority, and yet all this was done without previous communication with the government at Pekin. In the course of what he had to address to the House he should show that the noble Lord and he agreed that there was a defect in the original orders in council. The point where the instructions were defective arises as to the mode in which the power was exercised by the 6th clause of the China Trade Act, whereby a transfer was made of the power enjoyed by the supercargoes of the East India Company to the superintendent. It subsequently came to the knowledge of the noble Lord, as is stated in the dispatch to which he should hereafter refer, that there was an error in that. When the China Trade Act was passed, the power vested in the supercargoes had ceased to exist under an act anterior to it. The power vested in the supercargoes was the power of withdrawing the licenses from those who traded on the waters of China. An absolute and arbitrary power of withdrawing the license gave, therefore, unlimited power to the supercargoes; it was an ample power, and the attempt to convey to the superintendent the power exercised by the supercargo was an entire failure of the power, inasmuch as the authority which was sought to be conveyed had been rescinded by an act of Parliament anterior to the Chinese Trade Act. Now the portion of the instructions to which he wished to call particular attention is to be found in the third page in which there is that most solemn direction to the superintendent to the utmost of his ability to protect British subjects. Now observe these words, "not in all their commercial speculations, not in their trade in general without limitation, but in the peaceable prosecution of all lawful enterprises in which they may be engaged in China"—and it then tells the superintendent that he is to observe all possible moderation:—

> "Cautiously to abstain from all unnecessary use of menacing language, or from making any appeal for protection to our military or naval forces, unless in any extreme case the most evident necessity shall require that any such menacing language should be holden, or that any such appeal should be made; and we do further command and require you, in the general discharge of your duties, as such superintendents, to abstain from and avoid all such conduct, language, and demeanour, as might needlessly excite jealousy amongst the inhabitants of China;" and it goes on, "we do require you constantly to bear in mind, and to impress, as occasion may offer, upon our subjects resident in, or resorting to, China, the duty of conforming to these instructions."

Now, his first allegation against the Government was, that they committed two errors, as demonstrated by experience; and foretold, by competent authority, first, by directing the residence of a British officer at Canton; and next, by holding communication with the viceregal government. His next point was, that that portion of the Royal sign manual instructions to the superintendent which directed him to protect all subjects of Great Britain

> "In the peaceable prosecution of all lawful enterprises in which they may be engaged in China,"

Had not been enforced by her Majesty's Government up to that moment. He wished to pass lightly over that part of the correspondence which related to Lord Napier and the part taken by him in these transactions. Lord Napier he knew to have been a gallant, upright, and honest man, and he believed him to have acted according to the best of his judgment upon his instructions; still he believed Lord Napier had committed great indiscretions, but his life was the forfeit of those indiscretions, and in an assembly of generous Englishmen, he was sure that not a harsh expression would be used respecting him. Nevertheless, he must say, he thought that Lord Napier had committed two or three palpable errors. First, on turning to page 11 of the correspondence, it would be seen that Lord Napier, in his first communication to the viceroy of Canton, put prominently forward the fact, that he was charged both with political and judicial functions, to be exercised according to circumstances. Now, he could not think that any course more alarming to the Chinese Government than this could have been adopted. He thought, also, that it appeared from these despatches, that Lord Napier betrayed great violence in calling for the interference of two British traders, and in leaving his residence, instead of waiting for the regular passports. But, passing this matter, he now came to that which was most important. Her Majesty's Government had before them the warning delivered by the East India Company on the transference of the trade from their hands to those of private individuals, with their statement of the principles on which it had been carried on; they had also the advice which had been given by the hon. Baronet, the Member for Portsmouth, (Sir G. Staunton), that provision should have been made for the recognition of the superintendent at Canton previously to his going out, by means of a communication to the court of Pekin and the imperial authority. Then they had access to that extraordinary memorandum at page 51, which had been addressed by the Duke of Wellington to his colleagues in the year 1835. It had been the good fortune of the noble Duke to leave upon record throughout his life that which, after all, would be the foundation of the opinion which future ages would form of the hidden springs of his conduct, in exposing to the gaze of the admiring multitude all the motives which had stirred him to all his acts. The noble Duke had, however, prepared this memorandum for the guidance and information of his colleagues, just as he was leaving office, just on the occasion when an ordinary man would have taken care not to stand committed on such a difficult question. Nevertheless, the noble Lord (Palmerston), feeling that an emergency was at hand, and that a crisis in our affairs with China was approaching, neglected to avail himself of this advice, thus left upon the records of the Foreign-office by the noble Duke, in order to give his successors the benefit of his opinion, and show them how he was prepared to meet the difficulties of the crisis, and give them all the benefit of his advice, experience, and knowledge. Mark how the noble Duke spoke on the subject. With that instinctive intuition and manly grasp of mind which enabled him to see the whole of a subject, he put his finger upon the two defects which he had already touched upon. The noble Duke said,

> "It is quite obvious, from the reports and proceedings, that the attempt made to force upon the Chinese authorities at Canton an unaccustomed mode of communication with an authority, with whose powers and of whose nature they had no knowledge, which commenced its proceedings by an assumption of powers hitherto unadmitted, had completely failed; and as it is obvious that such an attempt must invariably fail, and lead again to national disgrace"—

What were the remedies which the noble Duke proposed to apply? He said, that it was obvious the real reason for the jealousy on the part of the Chinese of Lord Napier and his commission was, not his high-sounding titles, but

> "His pretension to fix himself at Canton without previous permission or even communication, and that he should communicate directly with the viceroy."

By the way, these were the two points which had been distinctly adverted to by the hon. Member for Portsmouth (Sir G.

Staunton) in a communication with Lord Napier before his departure for Canton, and which had been stated to be of the most critical importance by the East India Company, and on these points the conduct of Lord Napier had been in direct violation of the known prejudices of the Chinese. What then did the Duke of Wellington give as his advice?—

> "The commissioner must not go to Canton without the permission of the Chinese. He must not depart from the accustomed mode of communication."

There was the receipt of the Duke of Wellington to restore peace and security to British interests at Canton. Yet the noble Lord up to that day had rejected all advice, pertinaciously adhering to his instructions to the commissioner to go to Canton, and to the position he had taken on what was known as the "*pin*" point, on which the noble Lord was the most pertinacious, insomuch so, that up to the last despatch of the noble Lord, in 1839, he still adhered to this "*pin*" point, enjoining carefully on the superintendent that he was not to affix the degrading character to any letter which he might write to the Chinese authorities. But what further said the Duke of Wellington? He recommended a mode of proceeding according to which, he said, that the whole plan could be carried into execution without altering the Act of Parliament. This related more particularly to the creation of a court of justice, of which he pointed out how the machinery might be made perfect, and then went on to say, that

> "If the Cabinet should be disposed to adopt this plan, and would give immediate directions for the draught of the proposed Order in Council, to make the necessary alterations and arrangements."

Now, he believed, that he was not exceeding the bounds of propriety, when he said, that he had the best authority for stating, that within a fortnight from the date of that memorandum an Order in Council would have been passed, giving the superintendent all necessary powers, even over the moral conduct of British subjects on the Canton waters, as well as the means of protecting their interests. Well, not one of the noble Duke's suggestions had been attended to, and the Order in Council remained as it was in 1833. The noble Duke had made another suggestion—

> "I would recommend that till the trade has taken its regular peaceable course, particularly considering what has passed recently, there should always be within the Consul-general's reach a stout frigate and a smaller vessel of war."

Before he sat down, the House would see how this advice had been treated. He was very unwilling to detain the House at greater length than was necessary, but he hoped they would pardon him if he endeavoured to present as complete a view as possible of the subject as it presented itself to his mind. The first point which he should now proceed to notice was an incidental point, but it was very important. He ought to have stated, that the noble Duke reserved the question *ad referendum* to his Colleagues of a communication with the Court at Pekin. He said,

> "It will be in the power of the Government hereafter to decide whether any effort shall be made at Pekin or elsewhere to improve our relations with China, commercial as well as political. What we require now is, not to lose the enjoyment of what we have got."

In approaching the subject, he felt that the papers were really so voluminous, so formidable, from the immense number of the despatches, and from the size of the volume, that he had found the greatest difficulty to make out what was the general effect of the whole. In fact, the correspondence was a labyrinth of inextricable confusion, without a clue. There was not an index, there was no chronological arrangement; it was, in short, hardly possible to unravel the web of the inextricable confusion of these papers. He knew that this point of a mission to Pekin had been much canvassed, and that the hon. Member for Portsmouth (Sir G. Staunton) had been favourable to it. Next to the hon. Baronet, he knew no higher authority on the subject than Lord Strathallan, and he had his authority for stating that he had warned Lord Napier several times not to leave England without an autograph letter to the Emperor of China from the King of England. The hon. Baronet had also, he believed, recommended the same. Now he (Sir J. Graham) held then in his hand, and he could produce, if it became necessary in the course of the discussion, irrefragable evidence to show that Mr. Davis, who succeeded Lord Napier, that Sir G. Robinson, who succeeded Mr. Davis, and that Captain Elliot, who succeeded Sir G. Robinson, had all insisted in the strongest manner on the propriety of opening some communication with the Imperial Government at Pekin, and yet in the correspondence, which reached over five years, there was not a trace of an answer to these repeated representations to be found—not one trace of any intention to take into consideration the suggestion of an embassy to Pekin; except, indeed, it were at page 258, where a passage occurred which, perhaps, might refer to this part of the subject, and in which the noble Lord said, that the

> "Government did not see their way in such a measure with sufficient clearness to justify them in adopting it at the present moment."

That was the only appearance of an answer on the part of the noble Lord, during five years, to the representations of all these authorities, made in the strongest manner. But passing these two points, in which he thought that the instructions were erroneous, he now came to the questions of the residence of the commissioner at Canton, and of the channel of communication. On these points it was sufficient to say, that the noble Lord had never receded from his original instructions, but that Mr. Davis as well as Sir G. Robinson, finding that it was impossible to execute those instructions, had determined to remain in the outer waters, and for two years and a half did so remain, and did not depart from the accustomed channel of communication. Well, everything went on peaceably, and the experience of these two years and a-half after the noble Lord's return to power, if nothing that occurred before could do it, ought to have shown the noble Lord the complete impossibility of carrying out his instructions, especially as he was repeatedly urged by the superintendents for fresh instructions. Sir G. Robinson said plainly in one despatch, that he could not guess the probable object of her Majesty's Government. He said, that he had acted advisedly contrary to his instructions, and that he did not go to Canton, but remained in the outer waters, and that he did not communicate with the Chinese Government by any other than the ordinary channels. He was curious to know what had led to the recall of Sir G. Robinson, for he could not find a trace of a reason in the despatches. If his success justified his removal, they must remember that it was a departure from his instructions which insured his success. But what were the reasons the noble Lord had never blamed him for violating his instructions, though when he asked for fresh ones the noble Lord did not send them? But his conjecture as to the real cause was confirmed by what he found at the bottom of page 117, where Sir G. Robinson let slip what was his maxim of conducting affairs—

> "To use the common but applicable maxim," said he, "of 'letting well alone;' I shall carefully avoid all danger and risk of any change of a doubtful nature in its prospective effects."

This he conceived was so decidedly hostile to the policy of her Majesty's Government, that when an agent, even at Canton, declared, that 'to let well alone' was the maxim of his policy, he forfeited altogether the confidence of her Majesty's Government. But Captain Elliot gave effect to his instructions—what was the effect? From that very moment increased irritation was perceptible, and the quiescent state of things which had been enjoyed under Sir G. Robinson disappeared and terminated altogether. Violence, discord—he might almost say agitation—visited that peaceful region. Captain Elliot became on bad terms with the Government of Canton, and from that moment might be dated the beginning of the present unhappy distresses. Captain Elliot, nevertheless, felt his powers defective, and repeatedly asked for higher powers. At page 232 he says,

> "I would in this place, my lord, express a respectful but earnest hope, that no time may be lost in the formation of adequate, judicial, and police institutions for the government of the King's subjects in this empire; and I have no hesitation in assuring your Lordship that it is in my power to secure from the provincial authorities the most formal sanction to their operation. For several months in the year there are not less than 2,000 of his Majesty's subjects at Canton, Whampoa, Macao, and the immediately adjacent anchorages; and your Lordship is aware, that, except in cases of homicide, the Chinese Government do not interpose at all for the preservation of peace between them and their own people, or between his Majesty's subjects themselves. Your Lordship will conceive the exceeding risk and unsuitableness of the absence of defined means of sufficient control."

But was this all? In pages 339 and 340, Captain Elliot stated—

> "There is a spirit active among British subjects in this country, which makes it necessary, for the safety of momentous concern-

ments, that the officer on the spot should be known to stand without blame in the estimation of her Majesty's Government, and it is not less needful that he should be forthwith vested with defined and adequate powers for the reasonable control of men whose rash conduct cannot be left to the operation of Chinese laws without the utmost inconvenience and risk, and whose impunity is alike injurious to British character and dangerous to British interests."

But the noble Lord admitted this necessity himself in the strongest possible terms in his letter of November 8, 1836, at page 129, which perhaps it would be desirable that he should read :—

"Foreign-office, Nov. 8, 1836.

"I have observed that in your minute of the 15th of October, 1835, relative to the case of Mr. Innes, you express an opinion that the powers given by the act 26th of George 3rd, c. 57, sec. 35, to the supercargoes of the East India Company to arrest and send to England persons resident at Canton, may now be lawfully exercised by the superintendents of British trade in China, by virtue of the order in Council of the 9th of December, 1833, which transfers to the superintendents all the powers and authorities which were by law vested in the supercargoes, at the date of the termination of the exclusive rights of the East India Company."

The superintendent, Captain Elliot, in the extreme difficulty he found to put down this traffic, which, at that time, tended to disturb the lawful trade in that country, had been compelled to interfere *brevi manu* on this very authority. The noble Lord pulled him up shortly, and told him that he had done wrong. He said,

"As a misconception, on this point, might give rise to much embarrassment, both to his Majesty's Government and to the superintendents personally, I have to state to you for your guidance, that the clause of the act of 26 George 3rd, upon which you rest your opinion, was repealed by the 146th clause of the act 33rd George 3rd, c. 52; and further, that the only power exercised by the supercargoes was that of removing unlicensed persons. But, as no license from his Majesty is now necessary to enable his Majesty's subjects to trade with or reside in China, such power of expulsion has altogether ceased to exist with respect to China."

Now, surely it would be thought that naturally when the noble Lord had pointed out to him that power which he had not, he would have told him that an order in Council was passed which gave to him the power of confining and imprisoning British merchants doing wrong. But nothing like it. Captain Elliot at a later period, in his despair, when smuggling of opium was carried to such an extent that armed boats landed in front of the Custom-house, not having the powers desired, but still with an honest desire of preventing that which he thought incompatible with British interests, issued directions for organizing a police for the inner waters of Canton, and sent home an account of what he had done to the noble Lord, and he entreated them to listen to what the noble Lord said to this in page 318, in a letter dated March 23, 1839. He said—

"Your despatch of the 18th of April last, relating to certain regulations which you had thought it advisable to establish with a view of controlling the conduct of the crews of British merchant-vessels trading with Canton, has been submitted to her Majesty's law officers, with a request that they would take the same into consideration, and report their opinion, whether those regulations are in any way at variance with the laws of England, or inconsistent with the territorial rights of China. The law officers have accordingly reported, that the regulations in question are not in any way at variance with the laws of England, provided they be duly made and issued by her Majesty, according to the act of the 3rd and 4th William 4th, ch. 93, sec. 6, but that you have no power of your own authority to make any such regulations."

Now, mark what the noble Lord told the superintendent—that he "has no power to make such regulations." Was not that a self condemnation on the part of the noble Lord? Ought not the noble Lord to have given that power? And what was the ground assigned? The letter went on to state—

"With respect to the territorial rights of China, the law officers are of opinion, that the regulations, amounting in fact to the establishment of a system of police at Whampoa, within the dominions of the Emperor of China, would be an interference with the absolute right of sovereignty enjoyed by independent states, which can only be justified by positive treaty, or implied permission from usage."

Now, that was the very question which the noble Lord and he in the Grey Cabinet discussed when the China Trade Act was under discussion, that it was *pro tanto* an interference with international law. But the extreme peril of the case was deliberately held by Lord Grey's Government to be the excuse for the clause of the bill providing this. This objection ought not, therefore, to be urged by the noble Lord, when he had deliberately put a similar provision on the Statute-book. But the noble Lord then went on to give him an instruction hard to be executed; and he thought the noble Lord must have been aware that Captain Elliot could not, at that time, execute it. He said,

> "Under these circumstances, I have to instruct you to endeavour to obtain the written approval of the Governor of Canton for these regulations, and as soon as that approval is received in this country the proper steps shall be taken for giving force to those regulations, according to the provisions of the act of Parliament."

Now, it was very extraordinary, that the noble Lord had produced evidence that the Chinese themselves had expressed the greatest surprise at the absence of some such authority. They would find at page 334 the following instructions from the Prefect and Commandant of Canton, jointly to Captain Elliot:—

> "The said superintendent came, I find, to Canton, in obedience to commands received from his sovereign, to exercise control over the merchants and seamen; to repress the depraved and to extirpate evils. Having such commands given to him, he must needs also have powers."

Actually, this was the opinion of the Chinese.

> "It is very inexplicable, then, that these boats having, in violation of the laws, entered the river, he should now find it difficult to send them out again, owing to his not having the confidence of all."

He could conceive that it would be argued by the noble Lord that an application was made to Parliament for an extension of powers. The hon. Member for Lambeth would recollect the part they took in a bill introduced in 1838. The noble Lord did introduce a bill in 1838, which he had resisted. The object of that bill he could not state so shortly. The noble Lord thought it expedient that these courts should, in addition to criminal and admiralty jurisdiction possess civil jurisdiction. He (Sir J. Graham's) argument was, that the 6th section of the China Trade Act gave unlimited jurisdiction (it gave no civil authority whatever) for criminal purposes or for Admiralty purposes. No fresh power whatever was wanted. The power sought by the noble Lord was an extension of power from criminal jurisdiction to civil jurisdiction. That further stretch of power he thought highly dangerous, extending beyond the limits of national law, giving to the superintendent the power to exercise not only criminal jurisdiction, but to try actions of debt between British subjects and the Chinese. He thought he stated the argument correctly, and what was the ground taken by the hon. Member for Lambeth and himself, in opposition to the arguments urged on the other side? Here was on record what he said on that occasion, and with the permission of the House, to prevent all taunt against himself personally, he would read what he said on that occasion. The noble Lord reminded him, that that was a part of the China trade, and thought by using that argument, that he would be induced to give civil jurisdiction. He replied—

> "He never regretted having taken part in the measure of 1833 (that was in the China Trade Act), because that measure had the effect, notwithstanding all that had been said against it, of opening the China Trade. But he found himself bound to say, that experience had convinced him that the clauses were unnecessary, and he now considered that it would be highly inexpedient to extend their operation. It was clear that Lord Napier, leaving this country with an erroneous impression of the powers intrusted to him, did so demean himself to the Chinese authorities, as seriously to endanger our commercial relations with that country, and exposed himself to such annoyances as he fully believed cost him his life. Those who accompanied him, being taught by experience, so modified their course of proceeding as to be able to renew our intercourse. The Chinese never allowed us to fix ourselves at Canton, and in place of having three superintendents resident there, we had only one officer exercising the powers of a consul. He had no doubt but that the Chinese would take every advantage of the court as plaintiffs, but they would never submit to its jurisdiction as defendants, so that it would prove to be a gross hardship on British subjects."*

It was on that ground that he had resisted that bill—that it was giving a power of trying actions for debt and civil processes. It did not touch in the slightest degree the criminal jurisdiction given by the Act of 1833. To the one he agreed; to the other he offered his resistance, and his successful resistance. But in case the noble Lord should rely on this point, he now came to what he thought was a very grave charge against the noble Lord. The noble Lord founded his application to Parliament for the introduction of the bill, giving the extension of the jurisdiction which he had stated, on the papers the noble Lord had presented to the House. Those papers were now before them. He would not trouble the House by going into them at any length. It was sufficient for him, in the present instance, to state, that they were extracts (and extracts which they now had an opportunity of comparing with the extended correspondence as it really existed) which presented to the House a very imperfect and unfair view of our relations with China at that period. He would ask the hon. Member for Lambeth whether it was not understood that our relations with Canton at that time were completely amicable; so much so, that it was thought that this extension of criminal to civil jurisdiction would not be unacceptable? The noble Lord had said nothing of a serious misunderstanding which existed with the Chinese. So far from our understanding with the Chinese authorities being good at that time and amicable, there were serious interruptions to it. Not one word of this did the noble Lord open to the House. The House might have been betrayed into passing that Act, which would have been a very great additional cause of irritation; and it was only now, for the first time, that the opium question presented itself in all the aggravated and difficult circumstances which he was now going to present to them. It appeared that as early as the 3rd of March, 1834, warning was given by the Imperial Government with respect to the trade in opium. If they looked at page 77 they would find the Imperial edict as transmitted by Mr. Davis to Lord Palmerston, in which distinct notice was given by the Chinese authorities, that if there were any vessels selling opium, or any contraband trade whatever carrying on in opium by foreign merchants, they were to be driven out.

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* Hansard, vol. xliv., p. 750.

> " Let the Hong merchants, said the edict, likewise be commanded to enjoin commands on the English barbarian merchants, that they are mutually to examine and inquire, and that if one vessel smuggle and evade the duties, all the vessels shall be immediately prohibited trading; that thus they may themselves be caused severally to investigate and adopt preventive measures, which will be a plan more sure and perfect."

He must now be allowed to say, as he had opened this question of the opium trade, that as with regard to threats used against the Chinese, very strong language was used by the East-India Company also, and a very important and decisive warning was put on record by the officers of the East-India Company. It was in a paper moved for by the hon. Member for Buckingham, and at page 21 there would be found an extract to this effect:—

> " A most flagrant case of violence had arisen on the part of the captain of one of the East India ships on a quarrel arising with a smuggling boat; he had landed some of his crew, and taken more than one prisoner; both parties had fired, and several were wounded, and it was a case of extreme violence."

What was the conduct of the supercargoes? They said,—

> " We are fully impressed how cautious we must be, lest by connivance on our part we become involved with the Government. It has hitherto been our policy to profess our ignorance of all that passes without the Bogue."

Now, mark this,—

> " But we say the time has been gradually approaching (this is 1833) when this system of non-interference has encouraged a lawless and piratical mode of procedure which it is absolutely incumbent on us to put down. If we, the supercargoes, take no cognizance of these things, it is impossible to say to what extent these acts may be carried, and whether the very existence of the trade may not be endangered."

Now, there was ample and positive warning given by the supercargoes to her Majesty's Government. He should like to contrast with this the conduct of her Majesty's Government, page 121, No. 65, It appeared that a vessel of the name of the Jardine, an ominous name, in the opium trade, had, contrary to the wish of Captain Elliot, insisted on proceeding up the river to Canton to trade, and Captain Elliot had interfered to stop it. He begged the House to listen to the terms in which the noble Lord dealt with that interference. He said—

> " With reference to that part of your minute of the 27th of December, 1835, enclosed in Sir George Robinson's despatch of the 18th of February last, in which, for the reasons therein stated, you advised that the commander of the steam-boat Jardine should be enjoined, on the king's authority, by no means to proceed up the river to Canton, I think it necessary to recommend to you great caution in interfering in such a manner with the undertakings of British merchants, In the present state of our relations whith China, it is especially incum-

bent upon you, while you do all that lies in your power to avoid giving just cause of offence to the Chinese authorities, to be at the same time very careful not to assume a greater degree of authority over British subjects in China than that which you in reality possess."

[*Hear, hear*, from Lord Palmerston.] The noble Lord cheered; but he begged the noble Lord to bear in mind, that the despatch to which he had just referred, was written after he had received repeated warnings, that unless the illicit trade in opium was put down, the continuance of the legitimate trade would be endangered. Speaking upon this part of the subject, he must observe, that up to a certain period there was reason to believe that a part, at least, of the Chinese authorities connived at the trade in opium. He did not find, however, that the Imperial authority at Pekin ever receded from a positive prohibition of the importation of the drug. But, as he had stated, up to a certain period there was every reason to believe that, from corrupt motives, the viceregal authorities at Canton connived at it. It appeared, however, that a great discussion took place in the Chinese Cabinet, as to whether prohibitory law or protecting duties should be imposed upon the importation of opium. The question was very ably discussed on both sides. He thought that the free traders had the best of it; but there were close divisions, even in the Chinese Cabinet, and a prohibitory law was carried by a majority of one. The consequence of this was a marked difference in the conduct of the Chinese authorities at Canton; and a strong disposition was evinced to put a total stop to the trade. Was the noble Lord ignorant of that change of policy? On the 15th of May, 1838, a despatch, alluding to this edict, was received by the noble Lord. It was dated the 19th of November, 1837, and was in page 241. This despatch stated to the noble Lord several facts which had followed the changes in the policy of the Chinese Cabinet. He states—

"Native boats have been burnt, and the native smugglers scattered, and the consequence is, as it was foreseen it would be, that a complete and very hazardous change has been worked in the whole manner of conducting the Canton portion of the trade. In fact, weighing the whole body of circumstances as carefully as I can, it seems to me that the moment has arrived for such active interposition upon the part of her Majesty's Government as can properly be afforded, and that it cannot be deferred without great hazard to the safety of the whole trade, and of the persons engaged in its pursuit."

That despatch was received in May, 1838, and he begged to remind the hon. Member for Lambeth that it was in the hands of the noble Lord at the time they were engaged in the discussion of the China trade. Then again, in a despatch dated the 18th of April, 1838, and which was received on the 10th of December in the same year, Captain Elliott wrote—

"That every season of opening the trade was marked with constant scenes of most disgraceful riots at Whampoa—that the number of British boats employed in illicit traffic had greatly increased—that the deliveries of the opium were attended with conflicts, in which fire-arms were used—that dozens of natives were executed by strangulation for their traitorous intercourse with foreigners—that the place of execution was unusual, and was adopted with the view of intimidating foreigners there engaged in the opium trade—that the prisons were full of persons charged with similar offences, and that, in short, the illicit trade carried on was daily assuming a very serious aspect by connecting itself with the regular trade and intercourse with China."

Again, in a despatch dated 20th April, 1838, Captain Elliot said:

"In the course of the last two months, the number of English boats employed in the illicit traffic between Lintin and Canton has vastly increased, and the deliveries of opium have frequently been accompanied by conflict of fire-arms between those vessels and the government preventive craft. Connected with this subject, it is necessary I should report to your Lordship a striking and painful event which has just taken place at Macao. About a week since an unfortunate Chinese was executed immediately without the walls of this town, by strangulation, as the sentence inscribed over him bore, for traitorous intercourse with foreigners, and for smuggling opium and Sycee silver. This is the first proceeding of this nature which has been taken by the Chinese government in this part of the empire. The place of execution (quite unusual), and indeed the terms of the sentence, plainly indicate that it was adopted mainly with a view to the intimidation and for an example to the foreigners. It is also stated, (and probably with (truth) that this execution, and the manner of it, were by the special command of the court. But, be that as it may, with the prisons full of persons charged with similar offences, and with public executions for them, it is not to be supposed that the provincial government can venture much longer to permit the delivery of opium out of British armed-boats, almost under the walls of the governor's palace at Canton; neither is it likely that they will succeed in driving them out without bloodshed. Even putting all higher considerations out of view, I must remark that this last seems to me to be a very unfortunate turn for such a trade to have taken. That it is advantageous to the individuals immediately concerned in such a channel, there can be no doubt, but it is at the same time a state of circumstances which must necessarily, sooner or later, force itself under the active treatment of the Chinese government. And whenever that result does take place, it cannot fail to be extensively mischievous to the whole traffic. I take the liberty to observe to your Lordship that I never advert to this subject without extreme reluctance; but it is daily assuming so very serious an aspect, and connecting itself so intimately and so unfortunately with our regular trade and intercourse with this empire, that I feel it is my duty to keep her Majesty's Government informed of the general course of events in relation to it."

These warnings were constantly repeated by Captain Elliot in a series of despatches, even in stronger and more forcible language, down to the month of April, 1839. To quote one passage in a despatch, dated the 2nd of January, 1839, to be found at page 327, Captain Elliot stated :—

> "It had been clear to me from the origin of this peculiar branch of the opium traffic, that it must grow to be more and more mischievous to every branch of the trade, and to none more than to that of opium itself. As the danger and shame of its pursuit increased, it is obvious that it would fall by rapid degrees into the hands of more and more desperate men; that it would stain the foreign character with constantly aggravating disgrace in the sight of the whole of the better portion of this people; and, lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests."

Such were the series of cautions, from the despatches of Captain Elliot, conveying warnings to her Majesty's Government as distinctly as they possibly could be conveyed. Now, were there any additional instructions sent out to Captain Elliot by the noble Lord? Nothing like it. Were any additional powers given to the British superintendent? Nothing of the sort. Were the powers exercised by Captain Elliot, in his endeavours to restrain this illicit traffic, improved? The reverse. Captain Elliot had made a vigorous effort to restrain the opium trade, and, as he had already stated, he had effected to a considerable extent his purpose by the establishment of a system of police. He would not trouble the House by again reading the despatch in which the noble Lord repudiated the course which Captain Elliot had taken, and in which he stated that no such powers and regulations, without the written consent of the Chinese authorities, could stand. But if the noble Lord had not given Captain Elliot the power of suppression, had he authorized him to make any communication to the British traders to observe greater caution, and to exhibit more respect for the Chinese laws? All the noble Lord had ever done, as far as he could discover, was contained in one short despatch, which would be found at page 258, in which the noble Lord said—

> "With respect to the smuggling trade in opium, which forms the subject of your despatches of the 18th and 19th of November, and 7th of December, 1837, I have to state that her Majesty's Government cannot interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade."

[Lord *Palmerston* "*hear*"] This was as much as to say that the noble Lord would not give any countenance to this violation of the laws of China by illegal traffic, but that he would not do that which would amount to an absolute discountenance of it. And the noble Lord now cheered him when he read that which showed that when his own officer announced to him the dangerous character which this illegal traffic was assuming with respect to the interests of our own commerce with China, all he did was to tell the parties engaged in it that which they knew before. He was going to read the remainder of the paragraph, in order to see the extent of warning which the noble Lord had given. The noble Lord simply said—

> "Any loss, therefore, which such persons may suffer in consequence of the more effectual execution of the Chinese laws on this subject, must be borne by the parties who have brought that loss on themselves by their own acts."

Now on this subject there was another most remarkable fact — namely, that no order whatever had been made by Captain Elliot for the suppression of the opium trade in the outer waters. He found that a curious distinction was made with respect to the inner and the outer waters; and at page 333 it would be found that Captain Elliot used vigorous efforts to suppress the trade in the inner waters, and that the words of his public notice to her Majesty's subjects were full and satisfactory. He says—

> "I, the said chief superintendent, do further give notice and warn all British subjects employed in the said schooners, cutters, and otherwise rigged small craft, engaged in the illicit traffic in opium within the Bocca Tigris, that the forcibly resisting of the officers of the Chinese Government in the duty of searching and seizing is an unlawful act, and that they are liable to consequences and penalties in the same manner as if the aforesaid forcible resistance were opposed to the officers of their own or any other Government in their own or in any foreign country."

Now, that was the language used—used rather late it was true—with respect to the trade in the inner waters. But contrast it with the language used by the same authority in relation to ships in the outer waters. By a public notice dated March 22, 1839 (to be found at page 363) it is stated—

> "The chief superintendent of the trade of British subjects in China having received information that her Majesty's subjects are detained against their will in Canton, and having other urgent reasons for the withdrawal of all confidence in the just and moderate dispositions of the provincial government, has now to require that all the ships of her Majesty's subjects at the outer anchorage should proceed forthwith to Hong Kong, and hoisting their national colours, be prepared to resist every act of aggression on the part of the Chinese Government."

Thus the right of search was to be resisted in the outer, but submitted to in the inner waters. Having now gone through all the prominent points which he had stated at the commencement of his speech, he came to that which he conceived to be a most material part of this subject, he alluded to the absence of a naval force. It would be remembered that among other recommendations made by the Duke of Wellington, there was one that at all times there should be, with a view of enforcing a system of police among the British subjects, a stout frigate and a smaller vessel of war at the command of the superintendent; and in a despatch of the noble Lord opposite, which he found at page 192, the noble Lord with great perspicuity stated the objects of such a force. Though somewhat late in the day, the noble Lord adopted the advice given by the Duke of Wellington in 1835, and wrote to the Lords of the Admiralty to direct the Admiral commanding in the East Indies to send ships to China. The noble Lord stated in his despatch of the Lords of the Admiralty—

> "The purposes for which such ships would be stationed are—first, to afford protection to British interests, and to give weight to any representations which her Majesty's superintendent may be under the necessity of making in case any of her Majesty's subjects should have just cause of complaint against the Chinese authorities; and secondly, to assist the superintendent in maintaining order among the crews of the British merchantmen who frequent the port of Canton."

Nothing could be more clear than this instruction; but he (Sir J. Graham) begged to ask the noble Lord the difference as to the necessity of such a force when the noble Lord came into office in 1835, and that which existed when the noble Lord sent these orders to the Admiralty in 1837. The noble Lord was not ignorant of the powerful effect the appearance of a naval force would have on the arrangement of affairs with China, for in his despatch of 1839 the noble Lord stated that—

> "The appearance of the British Admiral in the river of Canton must bring about an arrangement of the matters in dispute."

Therefore, the noble Lord fully appreciated the objects for which a naval force might be sent, and the moral influence the appearance that force would have on the Chinese government. Now, the dates in the matter were important. The memorandum of the Duke of Wellington was dated March 24, 1835; the first order in which the noble Lord expressed a wish that a ship of war should be constantly present in the waters of Canton he found at page 132, and it was dated March 23, 1836. The instructions to the Admiralty, which were the official document to give effect to the letter of March 1836, bore date the 20th of September, 1837. What was then the fact? The Duke of Wellington intimated the necessity of a naval force on the 24th of March, 1835; but the noble Lord never requested that force to be furnished by the Admiralty until September, 1837, that was to say after a lapse of two years and a-half. But were there during that time no urgent representations made to the noble Lord of the necessity of the presence at Canton of such a force? He held in his hand various representations made at various times by the superintendent, all urging upon the noble Lord in the strongest manner the danger which would be incurred from the continued absence of a naval force. He knew it would be said, that while the trade with China was in the hands of the East India Company, standing orders, which he thought most prudent, existed, prohibiting ships of war from going into the Chinese seas. The principle upon which that prohibition proceeded was proper and right. The presence of ships of war was not then required, because, from the character of the East India Company's ships, no force in addition to them, under another authority, was necessary or desirable. They were sufficiently manned for warlike purposes. A divided authority might have led to collision, and instead of acting as a salutary check over the Chinese, the presence of two different forces might have produced an opposite effect. If hon. Members would turn to page 109, they would see the statement of Sir George Robinson as to the usual extent of the force of the East India Company in the Chinese sea—a force, generally, of between 3,000 and 4,000, and quite sufficient for all purposes. But to return to the representations made by Captain Elliot. He began in 1836 to state—

> "That a man-of-war would have the effect of relaxing the spirit of the provincial Government."

Again, in February, 1837, he urged the same point upon Lord Auckland in the strongest terms. In June, 1836, he urged the critical posture of the opium trade and his regard to other traffic as a justification for soliciting the presence of a man-of-war in the Chinese seas, and in a despatch, dated December, 7, 1837 (at page 250), he states such a force was necessary for protection to British interests. He does the same again on the 31st of May, 1838. The necessity of such a force was thus fully pointed out—the hopes which such a presence inspired were clearly defined, and, without wearying the House with the repeated importunities with which that force was asked for, what were the facts as they now appeared? He had no official return, but from the papers on the table of the House he was enabled to make the conjecture; that from March, 1835, to September, 1839, fifty-three months elapsed, and during that time there was no ship of war at Canton, except for the space of eight months. On this point there was one little circumstance which crept out of these papers, and which in his mind, spoke volumes. Such was the anxiety during the critical period when Captain Elliot was in close confinement, yet from circumstances still unexplained Captain Elliot wrote home expressing his regret, that Captain Blake and the Larne did not remain until he had been released. It appeared, that Captain Blake left Canton under peremptory orders just at that critical period. Could anything more clearly mark the utter destitution in which British subjects were left at that juncture than the despatch addressed by Captain Elliot to the noble Lord on the 6th of May, 1839, in which, after describing the desertion by the Larne, he attributed his hope of release to the appearance of two American frigates —the Colombia and the John Adams? So that after the warning of the Duke of Wellington in 1835, the only hope in need was the accidental presence in the Canton river of two American frigates! But was this all? How notorious the destitution of the British subjects was, was evidenced by another collateral circumstance more conclusive than any direct proof. He entreated the House to attend to the terms of gratitude in which Captain Elliot spoke of the conduct of Captain Douglas, commanding the Cambridge, who, hearing of the almost fatal emergency in which Captain Elliot was placed, and in the hope of saving his fellow-countrymen, purchased, at his own charge, at Singapore, twenty-two 18-pound guns, and came up to Canton.

> "I have no doubt (said Captain Elliot) the imposing appearance of the vessel thus armed and manned with a strong crew of Europeans discouraged the attempts made on the British fleet for at least two months."

Captain Elliot then expressed a hope, that her Majesty's Government would be pleased to pay the expenses which Captain Douglas had incurred during the time he had performed this valuable service. He joined in that hope, for he was sure, if ever a Government owed a debt of gratitude to any individual, it was the Government which now sat opposite to him, to Captain Douglas. He was bound to say, that up to this period it seemed to him, that Captain Elliot, in this complicated transaction, considering the extreme difficulties in which he was placed, acted on the whole with great energy and discretion.

But he now came to a period in these events when he could not speak of Captain Elliot in the same terms of commendation. As to the question of the introduction of the opium, he would not then enter into it, but would come to the subsequent transactions, which were more important, and which involved this country in the imminent risk of a war with China, if indeed that war had not already begun. He would first refer to the unfortunate transaction mentioned in Captain Elliot's letter of the 5th of September, 1839. He called it unfortunate, for it was admitted to be so by Captain Elliot himself. The circumstance to which he alluded was the attack on the three war junks, which was one which he considered peculiarly unfortunate. In the despatch which related to this affair, Captain Elliot admitted, that he had fired the first shot, and he justified his gallant impulse by stating his belief, that an insult had been offered to the British flag. His words were these—

> "The violent and vexatious measures heaped upon her Majesty's officers and subjects will, I trust, serve to excuse those feelings of irritation which have betrayed me into a measure that I am sensible, under less trying circumstances, would be difficult indeed of vindication."

The gallant officer, however, on more mature consideration, appeared to regret the course which he had adopted. His words were—

> "I can assure your Lordship, that though I am responsible for causing the first shot to be fired, I did not anticipate any conflict when we left, and went accompanied solely for purposes of sufficient defence against insult or attack."

The proceeding was altogether unwise, for the gallant captain did not anticipate a conflict—but he converted his visit into a hostile one at the same time that he went without sufficient preparation to make that hostility effective. With such a people as the Chinese, it was of the very highest importance that the first step taken should be productive of a moral effect. But it appeared, that not only had the first shot been fired by Captain Elliot, but also that the contest lasted for a considerable time. His own words were,

> "I opened fire from the pinnace, the cutter, and the other vessels, upon the three junks. It was answered both from them and the battery with a spirit not at all unexpected by me, for I have already had experience that the Chinese are much under-rated in that respect. After a fire of almost half an hour against this vastly superior force, we hauled off from failure of our ammunition,"

There was also evidence in the despatch that an attempt had been made to board the junks. This appeared by the following passage:—

> "The only casualty I have to report on this occasion is a flesh wound in the arm to Capt. Douglas, of the ship Cambridge, in a gallant attempt to carry one of the junks at the close of the day."

Thus then it appeared from the despatch, first, that Captain Elliot commenced the attack; next, that he attempted to board one of the junks; and then, notwithstanding that he was the aggressor, he was compelled, to use his own words, "to haul off." Such a course, though perhaps, rightly intended, was the most unfortunate that could possibly be adopted. The course pursued was wrong in the first instance; but that course having been taken, had Captain Elliot followed it up successfully, the intended moral effect might have been produced. Though the fact of causing the first shot to be fired was in itself blameable, yet that course having been adopted, it should have been vigorously followed up, so as to ensure success. What was the next step taken in this unfortunate transaction? Without any declaration of war, a belligerent step was decided on, and a blockade was declared. Between him and the noble Lord opposite there was not likely to be a difference of opinion as to the circumstances under which a blockade should be declared. The circumstances of the case might warrant Captain Elliot in laying an embargo, but he should not have declared a blockade unless there had been a previous declaration of war. There was one document connected with this part of the transaction which, though the noble Lord had been asked for it, had not been furnished to the House. The noble Lord said, he had no official cognizance of the paper. He must quote it therefore from the usual source of information. The document he would read, was the remonstrance made against the blockade by the American merchants. It was as follows:—

> "The undersigned citizens of the United States of America, merchants, and shipmasters at present at Hong Kong Bay, in the waters of China, having heard a report that it is your intention, at the requisition of the chief super-

intendent of British trade in China, to blockade, after the expiration of six days from this date, the river and port of Canton; and that the force to be employed, it is understood, will consist of her Britannic Majesty's ship Volage, under your command, and such merchant vessels as can be conveniently armed for the occasion.

"We therefore beg leave most respectfully to present to you, and through you, to her Majesty's chief superintendent of trade in China, that the right of such a blockade cannot be recognized by the undersigned, and, if attempted to be carried into effect to their injury, or the injury of the American shipping and interests, will be considered by the undersigned, and by their countrymen, an infringement of their legal and just rights; it being contrary to the laws of nations, existing treaties, illegal, and without precedent.

"We hereby enter our most solemn protest, and do now solemnly protest against such a blockade, as we understand from report is now proposed to be enforced.

"And we do hereby give notice, that we shall hold her Britannic Majesty and her Government responsible in the fullest manner for whatever lives may be sacrificed, and other losses that may be sustained by American citizens, in consequence of said blockade and sudden proceedings of her Majesty's officers in China, and we shall further hold you personally, and all persons acting under your authority, responsible for whatever lives may be lost, or injury sustained, in person or property, by any American citizen."

Now, how did the case stand? The blockade was declared in the presence of the Chinese by the officer in command. The notoriety of the remonstrance made against it by the American merchants was universal, and immediately after this remonstrance the blockade was raised. What was the inference which the Chinese would naturally draw from this course of proceeding? Why, they attributed it to fear, and the result was, that it served to increase their boldness and violence. Then ensued the attack on the vessel in which Mr. Moss was mutilated, and the Lascars killed. In this matter it appeared that Captain Elliot, at first, was of opinion that the Chinese were not to blame, though he afterwards seemed to think otherwise. Under all the circumstances of the case—the commencement of the attack by our ships, the declaration of the blockade, and its subsequent withdrawal—it was impossible for the Chinese to attribute the course pursued to any other cause than fear; and to this was to be attributed all the consequences which followed. The course taken was a most unjustifiable one, more especially when it was taken into account that no impending danger threatened the British shipping. It was notorious that Anson's Bay was the usual harbour of the Chinese shipping, and the junks were always there. Under those circumstances, two English ships sailed up as if in defiance. On this the Chinese junks drew out. They were directed to retire, and they did so, and then they were ordered to withdraw. Now see how this would be in the case of civilized nations, and let the question be tried by that test. Suppose a squadron of French vessels from St. Helen's were to come to Spithead, and order our force there to retire, at the same time coming to anchor without. Was it to be endured, under such circumstances, that the French should call upon the British to retire? Let hon. Members look at the despatches, and they would find that the case was exactly similar. For his own part, he could not conceive any attack more unwarranted and unjustifiable. Captain Elliot, in one of his despatches, expressed great satisfaction at the renewal of the trade which was now entirely cut off. But what was the trade which afforded Captain Elliot so much satisfaction? It was one in which the American vessels were the carriers, and by which they levied a toll of five per cent. on every hundred pounds' worth of goods which came out of Canton, and which was to that extent a loss to British commerce. For his part, he could not concur in the satisfaction expressed by Captain Elliot. He did not see anything so very gratifying in having the alarm of British subjects allayed by the appearance of an American frigate, or in paying a toll of five per cent. to American vessels. It was strange that the gallant captain should find cause of satisfaction in a renewal of the trade under such circumstances, more especially when in a former despatch he recommended that bulk should not be broken, except on the exhibition of a manifesto signed by himself. He would beseech the House to afford to this subject its most attentive and deliberate consideration. He might be deceived, but, to his apprehension, it appeared that this would be no little war—nor one which, as some appeared to think, would be terminated by a single campaign. It was one which would be attended with circumstances no less formidable than the magnitude of the interests which were at stake. If a war with China were to take place, it should be remembered that it was a contest which should be carried on at the remotest part of the habitable globe, and where the monsoons would materially interfere with the communications which must be had with this country. It was to be carried on at an immense distance from all our naval stations. The squadrons which should be sent out would be exposed to various dangers. They would arrive at their destination after a long voyage, pent up in crowded transports, and wearied with the fatigues of an element which our land forces abhor, they would come to the scene of action with abated strength and diminished energies. If, indeed, war with China had been rendered inevitable—if the House believed that the Government wished for peace, and had done all in its power by resorting to every accessible means of averting hostilities—if he could believe that we were called upon to enter into this war, not only to punish those who slighted us, but in the necessary defence of our national honour, he was persuaded that the whole martial spirit of the country would gird itself up for the conflict, and meet the danger without fear or anxiety. But, on the contrary, when they saw on the part of her Majesty's advisers the most pertinacious adherence to the erroneous course repudiated, both by experience and reason —when they saw that they attempted to force on a proud and powerful people a mode of proceeding to which the weakest would not tamely submit—when they saw that the advice of one of the greatest and most prudent of our statesmen, who himself had warned them, was disregarded and rejected—when they saw repeated warnings given by the servants of the same Administration equally unattended to—when they saw that branch of the trade which the confidential servants of the Administration had declared to be piratical, not put down by the interference of her Majesty's Government—when they saw nothing done or attempted to be be done, whilst her Majesty's superintendent was left without power, without instruction, and without force to meet the emergency which must have been naturally expected to follow—he could not help asking the House whether they did believe that the people of this country would patiently submit to the burden which this Parliament must of necessity impose. And whether that people could repose confidence in an Administration that, by a mismanagement of five years, had destroyed a trade which had flourished for centuries, and which, in addition to the loss which the country had already undergone, had almost plunged it into a war into which success would not be attended with glory, and in which defeat would be our ruin and our shame. The right hon. Baronet concluded with moving that—

> "It appears to this House, on consideration of the papers relating to China, presented to this House, by command of her Majesty, that the interruption in our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of her Majesty's present advisers, in respect to our relations with China, and especially to their neglect to furnish the superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband traffic in opium, and adapted to the novel and difficult situation in which the superintendent was placed."

Mr. *Macaulay* said, that if the right hon. Baronet, in rising as the proposer of an attack, owned that he felt overpowered with the importance of the question, one who rose in defence, might certainly, without any shame, make a similar declaration. And he must say, that the natural and becoming anxiety which her Majesty's Ministers could not but feel as to the judgment which the House might pass upon the papers which had been presented to them, had been considerably allayed by the terms of the motion of the right hon. Baronet. It was utterly impossible to doubt the power of the right hon. Baronet, or his will to attack the proceedings of the present Administration; and he must think it a matter on which her Majesty's Ministers might congratulate themselves, that, on the closest examination of a series of transactions so extensive, so complicated, and on some points so disastrous, such an assailant could produce only such a resolution. In the first place, the terms of the resolution were entirely retrospective, and not only so, but they related to no point of time more recent than a year ago; for he conceived that the rupture between this country and China must date from the month of March, 1839, and there had been no omission and no despatch of a later date that could have been the cause of the rupture of our friendly relations. He conceived, therefore, that the present resolution was one which related entirely to past transactions, and while he did not dispute the right of the right hon. Baronet to found a motion, or the right of the House to pass any vote censuring any bygone misconduct on the part of her Majesty's Ministers, he must at the same time feel gratified that the right hon. Baronet did not censure any portion of the present policy of the Government, and that he did not think fit in the present motion to raise any question as to the propriety of the measures which, since the year 1839, her Majesty's Ministers had adopted. He saw, also, with pleasure that the right hon. Gentleman charged the Administration with no offence of commission; that he imputed to them no impropriety of conduct, no indiscretion, no step which had either lowered the national honour or given to China any just cause of offence. All the complaint was, that they had not foreseen what circumstances might by possibility arise, and that they had not given power to the representative of her Majesty to meet any such unforeseen circumstances; and he must say that such a charge was one which required, and which ought to receive, the most distinct, the fullest, and the most positive proof, because it was of all charges the easiest to make, and the easiest to support by specious reasoning, and, at the same time, it was one of the most difficult to refute. A man charged with a culpable act might defend himself from that act, but it was not possible in any series of transactions that an objection might not be made, that something might not have been done which, if done, would have made things better. The peculiarity of the case then before them was, that a grave charge had been brought against her Majesty's Ministers, because they had not sent sufficient instructions, and because they had not given sufficient power to a representative at a distance of fifteen thousand miles from them; that they had not given instructions sufficiently full, and sufficiently precise, to a person who was separated from them by a voyage of five months. He was ready to admit, that if the papers then on the table of the House related to important negotiations with a neighbouring state, that if they related, for instance, to negotiations carried on in Paris, during which a courier from Downing-street could be dispatched and return in thirty-six hours, and could be again dispatched and again return in as short a period; if such were the nature of the facilities for the parties negotiating, he would say without hesitation that a foreign secretary giving instructions so scanty and so meagre to the representative of the British Government was to blame. But he said, also, that the control which might be a legitimate interference with functionaries that were near, became an useless and a needless meddling with the functionaries at a distance. He might with confidence appeal to Members on both sides of the House who were conversant with the management of our Indian empire, for a confirmation of what he had stated. India was nearer to us than was China; with India, we were better acquainted than we were with China, and yet he believed that the universal opinion was, that India could be governed only in India. Indeed, the chief point which occupied the attention of the authorities at home was to point out the general line of conduct to be pursued; to lay down the general principles, and not to interfere with the details of every measure. If hon. Members only thought in what a state the political affairs of that country would be if they were placed under the sole guidance of a person at a distance of even less than 15,000 miles, they would at once see how absurd such a proposition was. They would see a despatch written during the first joy at the news of the peace of Amiens received while the French invading army was encamped at Boulogne. They would find a despatch, written while Napoleon was in Elba, arriving when he was the occupant of the Tuilleries; and they would have positive instructions sent whilst he was in the Tuilleries to come into operation when he was removed to St. Helena. In India, also, occurrences were continually and rapidly taking place, so that the state of things in Bengal or in the Carnatic would have changed long before the specified instructions could have arrived, and they all knew that the great men who had retained for us that country, Lord Clive and Lord Hastings, had done so by treating particular instructions from a distance as so much waste paper; if they had not had the spirit so to treat them, we should now have no empire in India. But the state of China made a stronger case still. Nor was this all. With regard to India, a politician sitting in Leadenhall-street, or in Cannon-row, might not know the state of things at the distance of India, but he might be acquainted with the general state of the country, its wants, its resources; but with regard to China it should be recollected that that country was not only removed from us by a much greater distance than India, but that those who were permitted to go nearest knew but little of it; for over the internal policy of China a veil was thrown, through which a slight glimpse only could be caught, sufficient only to raise the imagination, and as likely to mislead as to give information. The right hon. Baronet had honourably told the House that the knowledge of Englishmen residing at Canton resembled the notions which might be acquired of our government, our army, our resources, our manufactures, and our agriculture, by a foreigner, who, having landed at Wapping, was not allowed to go further. The advantages of literature even, which in other cases presented an opportunity of holding personal intercourse as well as looking into the character and habits of remote ages, afforded but little help in the case of China. Difficulties unknown in other countries there met the student at the very threshold; so that they might count upon their fingers those men of industry and genius, one of whom had been referred to that night, who had surmounted those difficulties, which were unequalled in the study of any other language which had an alphabet. And under these circumstances, with a country so far removed, and yet as little known to the residents at Canton itself as the central parts of Africa — under these circumstances, he said, in spite of the jeers of hon. Gentlemen opposite, the Secretary of State for Foreign Affairs could not be expected to give the same precise instructions to the representative of his Sovereign as he could to our Ministers at Brussels or the Hague. This was evidently the feeling of the Government of Earl Grey, of that Government to which the right hon. Baronet belonged, and for the acts of which he claimed, and rightly claimed, a full share of responsibility. The instructions, to which the right hon. Baronet was a party, did not go into detail—they laid down the broadest general principles—they simply told the representative of her Majesty to respect the usages of China, and to avoid by all means giving offence to the prejudices or the feelings of the Chinese. As for precise instructions, they never gave any. When the Duke of Wellington came into office, that great man, well versed as he was in great affairs, and knowing as he did, that even a man of inferior ability on the spot could judge better than the ablest man at a distance of 15,000 miles, in the only despatch which he addressed to a resident at Canton, contented himself with referring the Superintendent to the instruction of Lord Palmerston. Now, what he wished to impress on hon. Gentlemen was, that when charges were brought against the Government of omitting to give instructions, or omitting to empower our representative, or that by this omission had been produced a great and formidable crisis in the relations between this country and China, this charge ought to be sustained by the clearest, by the fullest, and by the most precise proof that such was one of the causes, if not the principal cause of such a crisis, and that proof the right hon. Baronet in the course of his long and elaborate speech had altogether failed to give. He had selected from the evidence on the table a great mass of information that was interesting, and much that was by no means applicable to the only point on which the present motion could rest. What were the omissions in the instructions and in the power given to our representative? The right hon. Baronet had read some despatches of the East India Company in 1832; and he had also discussed the conduct of Captain Elliot subsequent to the rupture; but he conceived that neither the one nor the other was before the House; that he had entirely forgotten to notice what act the Government might have done which it had not, and which might have prevented the present unfortunate position of affairs. What, however, were the omissions of which the right hon. Baronet complained? They were four in number. First, that the Government had omitted to correct a point in the Order in Council, which directed the Superintendent to reside in Canton; secondly, that they had omitted to correct the Order in Council on the point which showed the Superintendent a new channel of communication with the Chinese government; thirdly, that they had omitted to act upon the suggestion of the memorandum made by the Duke of Wellington to keep a naval force in the neighbourhood of Canton; and, fourthly, what was most important of all, that they did not give sufficient power to the superintendent to put down the illicit trade. He believed that there was not one other omission specifically mentioned in the able speech of the right hon. Gentleman. With regard to the first omission, the answer was simple. It was true that the order in council, directing the superintendent to reside at Canton, had not been revoked by her Majesty's Government. But it was also true, that no dispute as to the residence of the superintendent had anything to do with the unfortunate rupture; it was true that that dispute was perfectly accommodated. Captain Elliot said, in a letter dated Macao, March 18, 1837:—

> "My Lord—A ship upon the point of sailing for Bengal, affords me a prospect of communicating rapidly with your Lordship, by the means of an overland mail of May. I seize this opportunity to transmit the translation of an edict, just procured through a private channel, containing the imperial pleasure, that I shall be furnished with a passport to proceed to Canton for the performance of my duties. The official notification may be expected from Canton in the course of a few days. For the first time in the history of our intercourse with China, the principle is most formally admitted, that an officer of a foreign sovereign, whose functions are purely public, should reside in a city of the empire. His Majesty's Government may depend upon my constant, cautious, and earnest efforts to improve this state of circumstances. "I have, &c.
>
> (Signed) "Charles Elliot."

Therefore, this point of omission which the right hon. Baronet made an article of charge against the Government, was no charge at all; for two years before the rupture the point had been fully conceded in the most formal and honourable manner by the Chinese authorities. And he would venture to say, that in no subsequent letter was there any document which indicated that the place of residence of the superintendent was any point in question. Therefore, he said with confidence, that the first of the right hon. Baronet's omissions had not any groundwork on which it could rest. The second charge was, that the Government did not alter the order in council to direct the superintendent as to his future communications with the Government, and did not tell him not to communicate as the supercargos used to do with the Chinese Government. To that alleged case of omission the answer was, that the Chinese Government had fully conceded the point. Negotiations had taken place between Captain Elliot and the Chinese authorities, and the dispute was, in fact, at an end. As to the question which arose, it was about the use of the word "Pin;" the point was easily answered, because Captain Elliot did not adhere to the construction which was put upon it. He must say, that Captain Elliot, acting under the discretion which it was absolutely necessary that every Government should give to their officers at a distance, had given up the point of superscription, and, therefore, the second omission imputed to the British Government by the right hon. Baronet had nothing to do with the present state of affairs. The third charge brought forward was, that the Government had not provided a vessel of war to be stationed upon the Chinese coast to be ready to act upon any emergency which might arise. What was the recommendation of the Duke of Wellington, in reference to this very subject? It was, that a vessel of war should be off Canton ready to act until the trade of the British merchants should return to its proper channel. He wrote in reference to the state of things which existed at that time, but there was not one syllable in the despatch of the noble Duke which showed that that advice should extend beyond the continuance of the existing circumstances. His Grace said, that he should recommend that, until trade should resume its ordinary course, there should always be within reach of Canton a stout frigate or vessel of war ready to act in case of necessity; but this charge was not made until four years after that advice was given, in the course of which Sir George Robinson had declared that affairs had been restored to their usual condition. The Duke of Wellington recommended that the frigate should be there only until trade should take its regular course. The right hon. Baronet had told the House that, subsequently to that, Sir George Robinson had brought about a peaceable state of affairs; and then, after that, when circumstances had occurred which he would venture to say no human mind could have foreseen, it was wondered at, and fault was found, that no vessel was at the spot pointed out. He was confident that nothing was contained in any of the Duke of Wellington's prior despatches which could be taken to exhibit any desire on his part that there should be a naval force constantly upon the Canton station, to await any calamitous event which might take place. Then he came to the fourth charge, which he thought was the most important, for those to which he had already referred he conceived that there existed no ground whatsoever. The fourth point was, that the English Government, having legal authority to do so, had omitted to send to the superintendent at Canton proper powers for the purpose of suppressing the illicit trade which they knew was carried on there. In the first place, during a considerable portion of time since the present administration had been in office, there were stronger reasons in existence than there had been in the time of Lord Grey, or when the Duke of Wellington was Minister for Foreign Affairs, against sending over such powers. There was this plain and obvious reason, that down to the month of May, 1838, the Foreign Secretary had very strong reasons to believe that it was in the contemplation of the government of China immediately to legalize the opium trade, which had undoubtedly been carried on in disobedience to the existing law. It was quite clear from these papers, though it was not easy to follow all the windings of Chinese polic y that in 1836, the attention of the government of that country was called in a very peculiar manner to the opium trade. The system under which that trade had been carried on was this—it had been prohibited by law, but connived at in practice. The Chinese government appeared to think that a worse state of things could not exist; that it produced all the evils of a contraband trade; that it gave rise to as much intemperance as if there were no prohibition; and, what they looked upon with equal regret, that the exportation of silver was likewise as great as if there was no prohibition upon it. That the then existing system could not last, seemed to have been the opinion of the Chinese authorities. Tang-Tzee, the able and ingenious President of the Sacrificial Offices, whom he was sorry to perceive had been dismissed, because dismissal in China, he believed, was a much more severe punishment than in England, had argued that it was unwise to prohibit the introduction of the drug; that if it were desired by the people, whatever might be the abuse of it by intemperance, no prohibition could keep it out; and that as both the revenue and the morals of the people would suffer by the continuance of a contraband trade, it was desirable to make the trade legitimate, and tax the importation of the article. But Tchu-Sung appeared to be one of that class of statesmen who, when they found that the laws were rendered nugatory, and that it was impossible to carry them into execution by altering their machinery, and by opposing public feeling, made them more stringent. Tchu-Sung informed the Emperor that he had discovered in the course of his ministerial studies that the mode in which Europe had established her empire in several parts of Asia was, by the introduction of opium, which so weakened the intellect and enervated the bodies of the inhabitants, that they were easily pounced upon and made prisoners of by the Europeans. The opinion that the trade would be legalized was entertained by Captain Elliot, and he could himself vouch for the fact, that the mercantile community of Calcutta, during a part of the year 1837, decidedly believed that notification of the authorisation of the traffic by the Chinese government might be expected from day to day. It was not until the month of May, 1838, that a despatch arrived at the Foreign-office, interfering with, or putting an end to that expectation. That being the case, it was not strange that his noble Friend, the Secretary for Foreign Affairs, should have hesitated to send out an order to put down a trade which he had every reason to believe would have been made legitimate before such order could have reached the Chinese seas. But he (Mr. Macaulay) did not think it would have been at all desirable or right that such an order should have been sent out even in 1838. He thought that that House would have required of the Government a very clear account indeed, a very strong proof of the necessity or policy of such order, and that if they could not have furnished that proof the House would have been justified in calling them to a sharp reckoning for sending out powers to the Superintendent authorising him to seize and send home any British subject who should have been found carrying on a trade which that Superintendent might have prohibited. Without meaning to deny that there were extreme cases which authorised extreme powers, he must say, that he conceived such powers as these were not to be lightly granted by any British Minister. He certainly should be convinced, before he agreed to a vote of censure upon any Government for not granting them, that, in the first place, there were grounds for supposing them to have been absolutely necessary; and in the next, that their having been withheld was the cause of the unfortunate circumstances in which we were now placed with regard to China. He, however, felt satisfied, that whether their powers had been granted or withheld, those unfortunate circumstances would have taken place; nay, more he ventured to say, that if those powers had been granted we should now find ourselves involved in hostilities with China under circumstances of peculiar calamity and national dishonour. With regard to the practicability of carrying the order, if it had been given, into effect, he must say, that it would have been impossible to put down the trade, except by the exertions of the Chinese themselves. The right hon. Baronet was far too experienced a member of the Government to suppose that, to suppress a lucrative trade, it was only necessary to issue a written edict. In England we had a preventive service, which cost half a million of money, which employed 6,000 effective men, and upwards of fifty cruisers, and yet every one knew well that every article which was reasonably portable, which was much desired, and on which severe duties were imposed, was smuggled to a very great extent. It was known that the amount of brandy smuggled had been ordinarily 600,000 gallons every year, and of tobacco an amount not much less than the whole quantity regularly imported through the Customhouse, was conveyed into the country by clandestine means. It had been proved, also, before a Committee of the House that no less than 4,000,000lbs. of tobacco had been smuggled into Ireland in opposition to the most effective preventive laws which existed in the world. Knowing this—knowing that the whole power of King, Lords, and Commons could not put an end to a lucrative traffic; could the House believe that a mere order could put a stop to the trade in opium? Did they suppose that a traffic supported on the one hand by men actuated by the love of a drug, from the intoxicating qualities of which they found it impossible to restrain themselves; and on the other, by persons actuated by the desire of gain, could be terminated by the publication of a piece of paper signed "Charles Elliot." There never was a stronger proof of the impotence of Chinese power to keep out an article of traffic than that afforded by the year 1839. If the trade could have been stopped by them, it was impossible to suppose that Mr. Commissioner Lin would have caused the seizure of certain individuals, against some of whom there existed mere suspicion, whilst against others there was no hesitation in supposing that there was not the slightest ground for believing them implicated in the traffic which had been carried on. Could it be supposed even that if the orders of Elliot had failed, the preventive service of China, had it been as effectual and as trustworthy as our own, would have been able to overcome the affection of the opium eater for the drug upon which he feasted, or the longing of the merchant for the profit which he obtained. If it could not be supposed to produce so good a result, he would ask whether it were to be considered that it would produce no effect at all? He believed that it would, and that the effect would have been this—that it would have driven the opium trade from Canton; but would have spread it throughout the coast of the whole country. The traffic would not have been carried on, indeed, any longer under the very eye of the commissioner, or in such a manner as that the traders might afterwards be called upon to answer for their offences in some English court, but they would remove from Canton, where an English society being collected, their proceedings would be watched with unremitting jealousy, but they would have found that the lawless trade would have been carried on along the coast, by means infinitely more lawless than those which had been already adopted. The traders would have gone to a distance from the great port, the whole east coast would have been covered with smugglers, and in their efforts to secure the object which they had in view, they would have undoubtedly come in contact with the local authorities, who would be unaccustomed to deal with European traders; the *mala prohibita* of a contraband traffic would be converted into the *mala per se*, and smuggling would be turned into piracy, a crime of a much more heinous description. If under the eye of an English society—consisting certainly of persons, some of whom were suspected of being concerned in the trade, but many of whom were of the highest respectability—the traffic could not long be carried on without producing acts having some appearance of piracy, what could they expect when no man would have any judge of his own conduct but himself? It would be found that men being congregated in vessels for the purpose of carrying on the trade, would land for the purpose of procuring fresh supplies of provisions; that their demands would be refused; that they would attempt to seize them; wells would be poisoned, or four or five sailors, perhaps, going to fill their water casks, would be captured, and that the demand for their liberation not being complied with, their comrades would proceed to burn and sack the neighbouring village. Similar circumstances had occurred in former instances, and he saw no reason why, at the present time, scenes of equal atrocity should not occur. He believed, therefore, that if the smuggling trade had been removed from Macao, and scattered along the coast in the manner which he had described, hostilities with China would have been the speedy and the inevitable consequence. What did they see in the proceedings of the Chinese government, or of Mr. Commissioner Lin, to induce them to suppose that those hostilities would not have taken place? Commissioner Lin had not hesitated to inflict severe punishment upon men whose characters were totally unsuspected, and was it likely, that if the events which he had endeavoured to describe, had occurred along the coast of China, Lin would have been more scrupulous? Would he not have published some proclamation, setting forth, that Captain Elliot had undertaken to put a stop to the contraband trade, but that he had deceived him; that he had pretended to command the discontinuance of the traffic, but that he had issued false edicts—for that it had been carried on along the whole coast, to an extent even greater than that to which it had before gone, and and that therefore he would hold all Englishmen, who ought to have had the power to prevent all this, whether blameable or not blameable, as hostages, until the wrong which had been committed should have been remedied. That would have been the spirit of Mr. Commissioner Lin; and therefore he said that, so far as he had been able to form a judgment, he believed that the positive prohibition of the opium trade by Captain Elliot, unsupported by physical force, would have been inadequate to put the trade down. Did the right hon. Baronet mean, that this country should pay the expense of a preventive service for the whole coast of China? He knew that it was impossible that he, or any one else, could for one moment advocate a doctrine so absurd; and he could not but repeat his firm belief, that if any course but that which had been adopted, the exising evils would only have been aggravated, and the rupture which had taken place would have been brought about in a manner still more calamitous, and still more dreadful. He had now gone, he thought, through the four charges on which the right hon. Baronet rested his case; and he declared most solemnly, that it did not appear to him that, according to the terms of the motion which was before the House, to any one of the four omissions which were alleged to have been made, was to be attributed that interruption of our friendly relations which was so deeply and so universally deplored. If he could believe that hon. Gentlemen would vote, keeping in mind really what the proposition was, he should not have the smallest hesitation as to the result; but he could not refrain from saying, that some persons, for whose feelings of humanity he entertained the highest respect, might possibly imagine, that in giving their assent to the motion, they were marking their disapprobation of the trade, which he regretted as deeply as they did. They had seen it asserted over and over again, that the Government was advocating the cause of the contraband trade, in order to force an opium war on the public; but he thought that it was impossible to be conceived that a thought so absurd and so atrocious should have ever entered the minds of the British Ministry. Their course was clear. They might doubt whether it were wise for the government of China to exclude from that country a drug which, if judiciously administered, was powerful in assuaging pain, and in promoting health, because it was occasionally used to excess by intemperate men—they might doubt whether it was wise policy on the part of that Government to attempt to stop the efflux of precious metals from the country in the due course of trade. They learned from history—and almost every country afforded proof, which was strengthened by existing circumstances in England, to which he had already alluded—that no machinery, however powerful, had been sufficient to keep out of any country those luxuries which the people enjoyed, or were able to purchase, or to prevent the efflux of precious metals, when it was demanded by the course of trade. What Great Britain could not effect with the finest marine, and the most trustworthy preventive service in the world, was not likely to be effected by the feeble efforts of the mandarins of China. But, whatever their opinions on these points might be, the Governor of China alone, it must be remembered, was competent to decide; that government had a right to keep out opium, to keep in silver, and to enforce their prohibitory laws, by whatever means which they might possess, consistently with the principles of public morality, and of international law; and if, after having given fair notice of their intention, to seize all contraband goods introduced into their dominions; they seized our opium, we had no right to complain; but when the government, finding, that by just and lawful means, they could not carry out their prohibition, resorted to measures unjust and unlawful, confined our innocent countrymen, and insulted the Sovereign in the person of her representative, then he thought, the time had arrived when it was fit that we should interfere. Whether the proceedings of the Chinese were or were not founded on humanity, was not now to be decided. Let them take the case of the most execrable crime which had ever been dignified by the name of a trade—the African slave trade. The prosecution of that trade was made a misdemeanor, a felony, and finally piracy. We made treaties with foreign powers and paid large sums of money to secure the object which we had in view; and yet it was perfectly notorious, that notwithstanding all the efforts which we had made, slaves had been introduced from Africa into our colony of the Mauritius. Undoubtedly it was our duty to put down the traffic which had so long been carried on with rigour, and to bring all persons engaged in it to punishment; but suppose a ship under French colours was seen skulking under the coast of the island, and that the Governor had his eye upon it, and was satisfied that it was a slaver, and that it was waiting for an opportunity by night to run its cargo; suppose the Governor, not having a sufficient naval force to seize the vessel, should send and take thirty or forty French gentlemen resident in the island, some of them perhaps, suspected of having been engaged in the trade, and some who had never fallen under any suspicion, and lock them up. Suppose amongst others, he had laid violent hands on the Consul of France, saying they should have no food till they produced the proprietor of the vessel, would not the French government be in a condition to claim reparation, and, if so, would not the French government have a right to exact reparation if refused by arms? Would it be enough for us to say, "Oh, but it is such a wicked trade, such a monstrous trade, that you have no right to quarrel with us for resorting to any means to put it down?" The answer would be, "Are you not trampling upon a great principle by doing so?" If such would be the answer of France, was it not fit and right that her Majesty should demand reparation from China? They had seen the success of the first great act of injustice perpetrated by that government produce its natural effect on a people ignorant of the relative places they and we held in the scale of nations. The Imperial Commissioner began by confiscating property; his next demand was for innocent blood. A Chinese was slain; the most careful inquiry had been made, but was insufficient to discover the slayer, or even the nation to which he belonged; but it was caused to be notified that, guilty or not, some subject of the Queen's must be given up. Great Britain gave an unequivocal refusal to be a party to so barbarous a proceeding. The people at Canton were seized; they were driven from Macao, suspected or not. Women with child, children at the breast, were treated with equal severity, were refused bread, or the means of subsistence; the innocent Lascars were thrown into the sea; an English gentleman was barbarously mutilated, and England found itself at once assailed with a fury unknown to civilized countries. The place of this country among nations was not so mean or ill ascertained that we should trouble ourselves to resist every petty slight which we might receive. Conscious of her power, England could bear that her Sovereign could be called a barbarian, and her people described as savages, destitute of every useful art. When our Ambassadors were obliged to undergo a degrading prostration, in compliance with their regulations, conscious of our strength, we were more amused than irritated. But there was a limit to that forbearance. It would not have been worthy of us to take arms upon a small provocation, referring to rites and ceremonies merely; but every one in the scale of civilized nations should know that Englishmen were ever living under the protecting eye of their own country. He was much touched, and he thought that probably many others were so also, by one passage contained in the dispatch of Captain Elliot, in which he communicated his arrival at the factory at Canton. The moment at which he landed he was surrounded by his countrymen in an agony of despair at their situation, but the first step which he took was to order the flag of Great Britain to be taken from the boat and to be planted in the balcony. This was an act which revived the drooping hopes of those who looked to him for protection. It was natural that they should look with confidence on the victorious flag which was hoisted over them, which reminded them that they belonged to a country unaccustomed to defeat, to submission, or to shame — it reminded them that they belonged to a country which had made the farthest ends of the earth ring with the fame of her exploits in redressing the wrongs of her children; that made the Dey of Algiers humble himself to her insulted consul; that revenged the horrors of the black hole on the fields of Plessey; that had not degenerated since her great Protector vowed that he would make the name of Englishman as respected as ever had been the name of Roman citizen. They felt that although far from their native country, and then in danger in a part of the world remote from that to which they must look for protection, yet that they belonged to a state which would not suffer a hair of one of its members to be harmed with impunity. All were agreed upon this point of the question. He had listened with painful attention to the speech of the right hon. Baronet, but he had not detected in it one word which implied that he was not disposed to insist on a just reparation for the offence which had been committed against us. With respect to the present motion, whatever its result might be, he could not believe that the House would agree to a vote of censure so gross, so palpable, or so unjust as that which was conveyed in its terms; and he trusted that even if there was to be a change of men consequential upon the conclusion of the debate, there would at all events, be no change of measures. He had endeavoured to express his views and his opinions upon this subject, and he begged in conclusion to declare his earnest desire that this most rightful quarrel might be prosecuted to a triumphant close — that the brave men to whom was entrusted the task of demanding that reparation which the circumstances of the case required, might fulfil their duties with moderation, but with success —that the name, not only of English valour, but of English mercy, might be established; and that the overseeing care of that gracious Providence which had so often brought good out of evil, might make the crime which had forced us to take those measures which had been adopted the means of promoting an everlasting peace, alike beneficial to England and to China.

Sir *W. Follett* ought to apologise to the House for offering himself to their notice so immediately after the powerful and eloquent speech of the right hon. Gentleman; but he could not help thinking, that, powerful and eloquent as that speech was, the effect of it was, to draw off the attention of the House from the real question it was called upon to decide. He admitted that the topics were well chosen; that if the question related to the barbarities of the Chinese towards our countrymen and their insults towards our Sovereign, he agreed, that in any defender of her Majesty's Government, the topics would be well chosen. They would excite attention and sympathy in every breast, and he should be ready to agree with the right hon. Gentleman, that no portion of the people of this country could hear with apathy of the cruelty inflicted by the Chinese upon our countrymen, and the insults offered to our Sovereign. But the question which the House had now to discuss was a very different one; and if it were true, as the right hon. Gentleman seemed to announce on the part of her

Majesty's Government, that we were now embarked in a war with China, if it were true, that our trade with that country had been entirely cut off and likely to be diverted into other channels—if they were to have costly expeditions, and if they were to plunge into hostilities against that country, then the question which the House of Commons was bound to entertain and decide was this, what had been the cause of this unfortunate position of our affairs? The right hon. Gentleman had complained of the resolution of his right hon. Friend as retrospective; but surely they had a right to inquire into the cause, and if it arose from circumstances against which the prudence and foresight of the Government could not guard, that was one state of things; but if it arose, as he thought he could demonstrate, not from any unforeseen circumstances, but from the culpable conduct, the unjustifiable neglect of her Majesty's Government, the House of Commons would be bound to affirm the resolution of his right hon. Friend. He would undertake to demonstrate, that from the opening of the trade with China in 1834 down to the present time there had been a total and an unjustifiable neglect on the part of the noble Lord, and, that with the short exception of the Administration of his right hon. Friend (Sir R. Peel), which gave rise to the invaluable memorandum of the Duke of Wellington, there was no trace to be found in the papers upon the table, that the affairs of China had occupied the attention of her Majesty's Government even for an hour. The right hon. Member for Edinburgh appeared to have totally misunderstood the charge made by his right hon. Friend. He agreed with him in thinking, that the most serious part of the charge made against the Government was this—that they sent out a person, under the name of superintendent, professing to be the representative of the Sovereign of this country, and to have control over the commerce and conduct of British subjects in China, without power and without authority: that they kept him there without power and without authority during all those years, in spite of repeated remonstrances from every officer who had been in China, and who constantly pressed the want of any authority, and the absolute necessity of some authority, upon the notice of the Government. The charge was, not that the Government had failed to employ a preventive force to check the trade in opium; the charge was this, that notwithstanding the increase of that trade, which, in the language of Captain Elliot, had become absolutely piratical, attended with danger not to the smuggler in opium, but likely to bring loss on the whole British trading community, her Majesty's Government, in the altered circumstances of the country, left their officer not only without powers, but absolutely without instruction and advice. That was the charge—could it be proved? The right hon. Gentleman, the Member for Edinburgh, admitted, if there were despatches to be sent to Paris or Brussels, they were so meagre as to be absolutely nonsensical; but the case was different when they were dealing with an empire at so great a distance as China. India, said the right hon. Gentleman, was best governed in India, and perhaps it was true, that British interests would be better provided for in China than in Downing-street. But if India was to be governed in India, the party governing must have some authority and control; if he was to exercise control over the commerce and conduct of British subjects in Canton, without waiting for instructions and directions from England, it was important, that at least he should have power to carry any regulations he might make into effect. Was this so or not? The right hon. Gentleman, the Member for Edinburgh, called the Chinese half civilised and barbarous; he did not know whether they deserved that character; but at least it was well known, and should have been acted on in this country, that they did not acknowledge the ordinary international laws of Europe; that they would not enter into commercial treaties, or allow the residence of the representative of foreign powers in their dominions; and that the intercourse we had carried on with them, owing to this peculiar feeling with respect to foreigners, was always of a most delicate description, being often subject to sudden stoppages, and every collision which took place endangering the lives and property of those who took part in it. If the Government had neglected every precaution which it was essential should have been taken in such circumstances, would the House say they were free from blame? If, as he would further show from these papers, that that very defect of power and that want of instructions had been the cause which led to the present unhappy state of affairs in China, then the resolution of his right hon. Friend must be affirmed. Before the opening of the trade the East India Company found it necessary, for the purpose of regulating the trade and preserving anything like a fair and proper intercourse with China, to have in that country a board or council of officers, a committee or council of supercargoes, always resident there, with an absolute power, a complete control over the shipping, the residents, and sailors in the port of Canton. But how had they that control? They were merchants—they excited no jealousy on the part of the Chinese; representing a commercial body, they were permitted to reside at Canton in their mercantile capacity. And what were their powers? It would seem that the noble Lord was, at one time, unaware of the mode in which the supercargoes acted. The power they had, they derived entirely from the East-India monopoly. The East-India Company took from their own ships and officers a bond that they would obey the orders of the supercargoes. This gave them control over the East-India ships and officers. But there was another class of persons frequenting China requiring much more control than the ships and officers of the East-India Company—those trading from the different ports of India to China, and many of them engaged in the contraband trade of opium. How were they placed under the control of the Company? No ship could trade to China at all without having a license from the East-India Company, which was always accompanied with a proviso that the license should be void if the ship or its officers did not obey the orders of the supercargoes. What was the consequence? By an Act of Parliament, if any ship entered Canton whose license had been revoked or forfeited, it was liable to be sold; and any person resident in China without a license or with a license revoked, might be arrested by the supercargo, sent as a prisoner to England, tried, convicted, fined, and imprisoned for that offence. The supercargoes had, therefore, complete and positive control. That power, which was necessary before the trade was opened, became doubly so when ships were allowed to go from any port in the British dominions. The supercargoes exercised their authority, not only over the ships in the port of Canton, but actually over the smugglers in the outer waters, and prevented them doing any act which was likely to be injurious to British trade. His right hon. Friend had read an extract from a despatch contained in the printed papers to the effect, that although the supercargoes in their communications with the Chinese authorities, declined mixing themselves up with the opium trade, they did exercise power over the sailors, captains, and ships engaged in it. If these orders were not strictly obeyed, they at once declared the captain had forfeited his indenture and the ship its license. Seeing, then, that the supercargoes had this power, it became important to observe how they exercised it, because it was under colour of the superintendent having the same authority as the supercargoes that he had been allowed to remain during all these years of anxiety and trouble and disturbance of the trade with China without any authority, power, or instructions—that was the real charge against the Government. What had they done in the present case? When the monopoly was abolished, it seemed to be the deliberate opinion of the Legislature that probably some collision might arise from opening the trade, the effect of which might be to interrupt or destroy it, and therefore, in order to give the requisite control to the British officer who should act as superintendent in Canton, the Legislature armed the Government with power to grant him such authority over the ships and commerce of that port as might be considered necessary. But no power at all was granted by the Act. The order in Council might have been only a provisional order, but he would show that the noble Lord (Palmerston), almost immediately afterwards, was fully informed of its defects. He was repeatedly told that the superintendent had no power, that it was necessary he should have power, and yet he had done nothing whatever to invest him with power, or supply him with instructions. Sir George Robinson attempted to exercise control over an English resident, who he thought had behaved unjustly to a Chinese, and ought to make some reparation, but he set his authority at defiance, and the superintendent wrote thus to the noble Lord, p. 96—

"In the Act of Parliament to regulate the trade to India and China, it is, amongst other things, enacted, 'That it shall and may be lawful for his Majesty, by such an order as to his Majesty in Council shall appear expedient and salutary, to give to the superintendents in the said act mentioned, or any of them, powers and authorities over, and in respect of, the trade and commerce, and for the direction of his Majesty's subjects within the dominions of the Emperor of China.' In the first order passed by his Majesty in Council on the 9th of December, 1833, it was thereupon ordered, 'that the superintendents should be clothed for these purposes with all the powers and authorities heretofore vested in the supercargoes of the East-India Company, save so far as the same were repealed or abrogated by the Act of Parliament.' In the same order it is then set forth, 'that all the regulations which were in force on the 21st of April, 1834, were thereby confirmed; and it was further directed, 'that they should be compiled and published.' Now, my Lord, it is respectfully submitted, that there were no regulations in existence of the nature contemplated in that order in Council; the supercargoes had been unaccustomed to interfere in commercial disputes between the very few private traders here; and whenever affairs involving either political or commercial difficulty with the Chinese presented themselves, they possessed abundant means of doing as much as was needful. No English subject was here without a license from the Company; and the committee, in any case of emergency, had it in their power to apprise the Chinese authorities, that the license had been suspended, and that they would in no respect interfere for the adjustment of any debts the parties complained of might contract subsequently to the date of that notice. The British shipping which resorted to China was under the complete control of the committee; they either belonged to the Company, or were chartered by it; and the country ships were furnished with licenses by the Indian Governments, withdrawable at pleasure, either by these authorities, or, in cases of exigency, by the committee itself. There had been no need, therefore, for any body of regulations having respect to the general direction and control of British subjects in China. It has certainly been the anxious desire of this commission, upon every ground of consideration, to interfere as little as was possible, till further instructions should reach them from England."

That letter was written on the 1st of July, 1835, and no further instructions—no further information—at any time was given to Sir George Robinson, or any other superintendent, respecting the degree of power or control they possessed. Was it fair to the superintendent to leave him thus in total ignorance of the power he possessed and the control he might exercise? They gave him an order in Council pretending to vest him with enormous powers, while, in fact, it deluded him, and gave him none. Sir George Robinson's letter was received in London on the 28th of January, 1836. The noble Lord (Palmerston) did not answer it till the 8th of November, 1836. The noble Lord then took no notice of the defect of the order in Council; he did not tell Sir George Robinson what his powers were; the only thing he said was, that he did wrong to pay the money to Mr. Keating. Now, with respect to the powers with which the superintendents were invested. The first instructions informed Lord Napier that he had no power to prevent vessels trading to the north-east coast of China. The noble Lord was then aware that Lord Napier had no authority to arrest such traders, and the noble Lord was also aware of the importance attached to the attempt of the steam-vessel, the Jardine, to proceed to Canton, and the consequent dangers of the interruption of the trade. Let him, then, ask whether the Government was justified in leaving their Minister in China without power to stop the passage of this steam-vessel in its projected passage, under circumstances in all probability calculated to lead to the stoppage of the trade, and to create most serious public inconvenience? The noble Lord was aware of these circumstances on the 22nd of July, 1836, and then he wrote a letter cautioning the superintendent not to assume a greater degree of authority over British subjects than that which he possessed. With such advice, he, of course, found no fault; but what he asserted was, that if the superintendent had not authority to stop this steam-vessel, he ought to have had it. The order in Council unquestionably intended that the superintendent should have this power, because the supercargoes had possessed it; but the Government, on consulting the law officers of the Crown, discovered the defect of the order in Council in this particular. This correspondence took place in 1836, and yet the noble Lord had done nothing to give the superintendent the requisite power. When regulations were issued to prevent collisions between English sailors and the Chinese, the noble Lord again told the superintendent that he had not adequate power. Then, was it right, proper, and just in the noble Lord, who always left the superintendent to suppose that he possessed some power, not to specify the particular power he had to exercise? And did this want of power lead to no inconvenience? He begged the attention of the House to some of these letters, for it might not be aware of the many remonstrances made on the subject. In page 326, there was a letter dated subsequently to some of these disturbances—namely, January 2nd, 1839, and it was received in London on the 13th of May. Captain Elliot, in that letter, stated that,

> "The difficulty that remained to be removed before the trade could be opened, was the illicit traffic in opium, carried on in small craft within the river, a considerable number of which were stationary at Whampoa, receiving their supplies from time to time in other vessels of a similar description from the opium ships at Lintin or Hong Kong."

Now, if Captain Elliot had had the power to carry into effect the order which he issued to prevent English boats smuggling in opium, a great part of the embarrassment in which the lawful trade was now involved would have been prevented. Captain Elliot went on to say,

> "That as the danger and shame of the illicit trade increased, it was obvious that it would fall by rapid degrees into the hands of more and more desperate men, and that it would stain the foreign character with constantly aggravating disgrace in the sight of the whole of the better portion of this people, and, lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests. Till the other day there was no part of the world where the foreigner felt his life and property more secure than in Canton."

And yet they were told by the right hon. Gentleman that the Chinese were barbarians? In another place, Captain Elliot observed that the smugglers were exempted from all law, both British and Chinese. Why was this? Why had not the Government given sufficient controlling power to its representative? Was the House aware that in respect of the smuggling trade nothing would induce Captain Elliot to give up to the Chinese any Englishman, under whatever charge he might labour? The Chinese, then, could not punish them; and was it fair to let loose on the Chinese a set of persons who, according to Captain Elliot, were not subject either to British or Chinese law? What was the cause of the last rupture of the trade with the Chinese? They refused to allow the British to continue the trade, unless the captain of every ship at Whampoa would bind himself by a bond to give up to the Chinese authorities every person they might consider amenable to the Chinese laws. Captain Elliot directed the captains not to sign such a bond, and his firmness had almost induced the Chinese to yield, when an English vessel, the Thomas Coutts, which came from India, appeared in the Chinese waters. It seemed that the captain of this vessel had taken a legal opinion at Calcutta, and had received advice that the superintendent at Canton had no power to prevent his going into that port, and in consequence, the captain preferring his own private interest to the benefit of the commercial community at Canton, entered and signed the bond required by the Chinese. The consequence was, that the Chinese, previously inclined to yield, now insisted on the signature of a similar bond by all the British merchants. This serious inconvenience and embarrassment had consequently arisen from the deficiency of the powers possessed by the superintendent. Captain Elliot observed, that if commanders of vessels had power to enter into separate negotiations with the Chinese authorities, the British trade with China must soon cease to exist. Could there be a stronger censure cast upon the Government? So long ago as the affair of the Jardine, the noble Lord was aware that every captain of a British vessel had full power to do as he pleased at Canton, and still no steps had been taken by the Government to remedy this evil. The right hon. Gentleman had stated, that at one time it was reasonable to suppose that the opium trade would be legalized. There was no evidence to this effect in the despatches. It was true that a proposition had been made to the Government for that purpose, but it was also true, that that proposition was negatived. It was certain, too, that the superintendent made remonstrances to her Majesty's Government, that he demanded sufficient powers and instructions; and it appeared he had been left without either. At page 155, there was a letter of the 2nd of February, 1837, in which Captain Elliot said—

> "In a few weeks the produce of the first opium sales of the year in Bengal must arrive here, and then, if the restrictions continue, this trade will, in all probability, immediately assume a different character. From a traffic

prohibited in point of form, but essentially countenanced and carried on entirely by natives, in native boats, it will come to be a complete smuggling trade."

The noble Lord was aware of the edict that was passed by the Chinese government in 1834, that the opium trade in Chinese boats had been put a stop to, and that it was obliged to be unloaded into English boats, and that these proceeded armed up the river to Canton. That was what Elliot alluded to in the following passage,—

> " 'The opium will be conveyed to parts of the coast previously concerted in Canton, in British boats, and thence be run by the natives;' thus throwing our people into immediate contact with the inhabitants on shore, and certainly in other respects vastly enhancing the chances of serious disputes and collision with the Government officers. It seems probable that this state of things would either hasten forward the legalization edicts or in the event of any check to our boats defer it to some indefinite period, and in other ways very inconveniently alter the whole position of circumstances in this country."

Then there came the edict of the governor and lieutenant-governor of Canton against the opium receiving ships outside the port of Canton, at page 234, which was forwarded to the noble Lord, and which he received May 15th, 1838. That was followed by Captain Elliot's despatch of the 19th November, 1837, in which was a passage which it seemed to him (Sir W. Follett) to be almost impossible that the noble Lord could have read. At page 242 Captain Elliot wrote,

> " In fact, my Lord, looking around me and weighing the whole body of circumstances as carefully as I can, it seems to me that the moment has arrived for such active interposition upon the part of Her Majesty's Government as can be properly afforded; and that it cannot be deferred without great hazard to the safety of the whole trade, and of the persons engaged in its pursuit."

The superintendent here, it would be noticed, meant not the opium trade, but the general trade. Then he proceeded—

> " That the main body of the inward trade (about three-fifths of the amount) should be carried on in so hazardous a manner to the safety of the whole commerce and intercourse with the empire, is a very disquieting subject of reflection; but I have a strong conviction that it is an evil susceptible of easy removal."

He followed up this by a memorandum of the necessity that something should be done, and pointed out, at page 245, the course which he would suggest.

> " Upon the whole, it seems to me that the time has fully arrived when her Majesty's Government should justly explain its own position with respect to the prevention or regulation of this trade; give its own counsels, or take its own alternative course."

Could it be said, then, that the Government had not full notice of the real state of things, and of the emergencies of the case; that they were not aware that some steps were necessary? But this was not the whole of the case; for at page 250, was another representation, bearing date December 7, 1837, which was almost as strong as the former; for Captain Elliot said,

> " Perhaps your Lordship may be of opinion that the menaces to stop the regular trade, and to expel me from the empire involved in this edict, strengthens the reasoning submitted in the memorandum inclosed in my despatch of the 19th ult., in the advocacy of immediate and earnest approaches to this court by her Majesty's Government. The whole state of circumstances, however, connected with this opium question is in a condition of such uncertainty, that it is impossible to divine what is meant, and, indeed, it is not difficult to conceive that the Government itself does not know what it means, but is, in point of fact, wandering without fixed purpose from project to project, or, it might more properly be said, from blunder to blunder."

The House would observe he was not stating that the Chinese government had not been varying in the course which they intended to take, but if there was any vacillation, or any want of energy on the part of that government, he had still to learn that that was an excuse for her Majesty's Government. He had read so much to show the House what it was that the noble Lord had to answer. It was no matter with reference to this, whether the Chinese meant to stop the trade or not. Captain Elliot said, that whether they meant to stop the trade in a month or not, he could not tell, but that it was absolutely necessary to take some steps. Captain Elliot went on to say,

> " In the midst of this incoherent conduct, it seems to me to be highly necessary, for the protection of British interests, that a small naval force should immediately be stationed some where in those seas."

One more fact, before he read the noble Lord's answer, he would produce from the despatch of the 5th of February—and here he must say, that being unaccustomed to the correspondence of the Foreign-office, he was surprised enough at it—namely, that the noble Lord should have received all these letters before ever he sent an answer to the superintendent. What, then, was the noble Lord's answer to the representation of Captain Elliot in that despatch?

> "In my judgment (said he) the interruption of trade is less likely to ensue from the commands of the court than from some grave disaster arising out of collision between the Government craft and our own armed boats on the river."

That was the danger which had been repeatedly pointed out to the Government. What was the noble Lord's answer? It had been read by his right hon. Friend, but as he had not called attention to the whole of the information of which the noble Lord was in possession, perhaps he might be excused for reading part of it again. The noble Lord said,

> "With respect to the smuggling trade in opium, which forms the subject of your despatches of the 18th and 19th of November, and the 7th of December, 1837."

The noble Lord had also received the despatch of the 5th of February,

> "I have to state that her Majesty's Government cannot interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade. Any loss, therefore, which such persons may suffer in consequence of the more effectual execution of the Chinese laws on this subject must be borne by the parties who have brought that loss on themselves by their own acts."

[*A cheer.*] That letter also excited a cheer, did it? Would, then, hon. Gentlemen say, that this was a proper letter for the Secretary of Foreign Affairs to write when appealed to by our officer placed in such peculiar circumstances? Hon. Members might have cheered if the letter had been written about the smuggling trade with France or Holland to the British consul in either of the countries. But was it on the smugglers of opium that the principal loss arising from an interruption of the trade would fall? Was it for them that Captain Elliot was anxious? What was the noble Lord's course? He had been told of the nature of the emergency, of the edicts of the Chinese government, of the smuggling in armed boats, and of the dangerous consequences of collision; and he had been told that it was absolutely indispensable that her Majesty's Government should do something, and then the noble Lord said,

> "We cannot interfere for the purpose of enabling British subjects to violate the laws of the country with which they trade."

Why, Captain Elliot had said nothing of this kind. His proposition was quite of a contrary character; he said, I want powers to prevent this smuggling trade, and he entreated to have some powers extended to him. What, then, did the noble Lord mean Captain Elliot to do; or did he mean him to do nothing—to stand passive? If the noble Lord meant Captain Elliot to take upon him that responsibility, that surely ought to have been so stated, that ought to have been done openly. When Captain Elliot wrote for power to put a stop to smuggling, it was not an answer to say,

> "We can do nothing for the purpose of enabling British subjects to violate the laws of the country to which they trade."

What answer was that to the British merchants; to all who had suffered losses in consequence of the stoppage of the trade; to those who were expelled from Canton, and who had suffered so much inconvenience? This, in fact, was not an answer to Captain Elliot's inquiry, and he must say, that the noble Lord was open to censure for not having replied, by forwarding definite instructions. Would the House believe, that after all that had been said upon the opium trade, there was not a trace of it in the noble Lord's despatches? —not one of them alluded to it, or mentioned the word opium, or said anything to Captain Elliot about the opium trade, except the letter which he had read. Would it be said that here was no neglect—that there was not culpable neglect in this way of conducting business? Was it any answer to say, as the right hon. Member for Edinburgh had said, that this was in truth a meagre despatch, and that if it had been written to Paris, the noble Lord would have been censurable, but that as it was written to China, so many thousand miles off, the noble Lord was not censurable. But he should have said, that if such a despatch had been written to Paris or to Brussels, it would not have been half so censurable, because then, another might have been written next day to correct it, but in the case of China, mistakes and neglects could only be corrected at considerable intervals. He did not mean to cast any reproach upon Captain Elliot, he thought that in many of the letters, until they came towards the end, he displayed great discretion and firmness. Was it to be wondered at, that in the absence of advice and instructions he should take any step, or commit any indiscretion, which might lead to losses, or even to the unhappy result of war? Why did not the noble Lord tell him what to do? Why was he left there in extraordinary circumstances of danger after he had pointed them out with clearness? But the thing did not rest here. The noble Lord, as he had begun, so did he end. At page 299, there came another letter after this, an alarming letter, in which Captain Elliot spoke of the Chinese as being in earnest, and that they had executed a Chinese under the very walls of the factory, at Macao, for traitorous intercourse with foreigners, and for smuggling opium and Sycee silver. Again, he (Sir W. Follett) wished to call attention to the fact, that this letter was written in April, 1838, and that it was received at the Foreign-office before the noble Lord's next letter was written. At page 323, there was another letter, in which was an account of a seizure of opium, and the case of Mr. James, and a statement that the trade had been wholly stopped in consequence of the want of power. Then there was another letter of the 2nd of January, 1839, at page 326, and another of a private character, and of the same date, at page 339. He stated that,

> "It was not less needful that the officer at Canton should be forthwith vested with defined and adequate powers for the reasonable control of men, whose rash conduct cannot be left to the operation of Chinese laws, without the utmost inconvenience and risk, and whose impunity is alike injurious to British character, and dangerous to British interests."

Now this warning to the noble Lord was written on the 2nd of January, 1839, and he spoke of a conversation which he had held with a Chinese, who referred him with earnestness to the requests which had been made before the Company's monopoly was abolished, to make provision for the government of her Majesty's subjects, and he desired to know what more was wanting, and how it was possible to preserve the peace, if all the English people who came to that country were to be left without control.

"He further entreated me," (said the despatch) "to remind my nation's great Ministers," (meaning, he supposed, the noble Lord and his colleagues), "that this Government never interfered except in cases of extreme urgency, upon the principle that they were ignorant of our laws and customs, and that it was unjust to subject us to rules made for people of totally different habits, and brought up under a totally different discipline. I must confess, my Lord, that this reasoning appears to me to be marked by great wisdom and moderation, and at all events, convinced as I am that the necessity of control either by British or Chinese law is urgent, I would most respectfully submit these views to the consideration of her Majesty's Government. My own anxiety on the subject will be more explicable when I inform your Lordship, that until I am differently instructed, I should hold it to be my duty to resist to the last, the seizure and punishment of a British subject by the Chinese law, be his crime what it might; and crimes of the gravest character have lately been of every day probability."

Still another letter was addressed by Captain Elliot to the noble Lord, on the 21st of January, 1839, in which he said,

> "In the mean time, however, there has been no relaxation of the vigour of the Government, directed not only against the introduction of opium, but, in a far more remarkable manner, against the consumers. A corresponding degree of desperate adventure upon the part of the smugglers, is only a necessary consequence. In this situation of things, serious accidents and sudden and indefinite interruptions to the regular trade must always be probable events."

Now, these letters were all of them written and received at the Foreign-office before the answer of the noble Lord, at page 344, and though he knew that this answer of the noble Lord's could not have arrived in China until after the disasters had occurred, which were the consequences of his previous policy, and he did not therefore attribute those disasters to the noble Lord's letter, but he did think that the letter showed what degree of attention the Foreign-office paid to matters of this kind, and to the remonstrances which were addressed to them. What did the noble Lord say?

> "With reference to such of those despatches as detail the circumstances which led to an interruption of the trade for a short period in December last, and the steps which you took in consequence, with a view to the re-opening of the trade, and to the re-establishment of your official communications with the Chinese authorities, I have to signify to you the entire approbation of her Majesty's Government of your conduct on those matters."

Was that an answer to the proposition which Captain Elliot had made, to the remonstrances which he had made, in order that fresh powers might be sent out to him. What did the noble Lord say about the opium trade? What about the piratical conduct of the English boats? What advice did he give to the superintendent for his general guidance? Absolutely none. This was the remainder of the letter, in answer to the grave representations which had been addressed to the noble Lord by Captain Elliot—

> "I have at the same time to instruct you not to omit to avail yourself of any proper opportunity to press for the substitution of a less objectionable character than the character "Pin" on the superscription of the communications which you may have occasion to address to the viceroy."

Now, he would say that it was very well for the right hon. Gentleman, who had spoken with so much eloquence, to enlarge upon the barbarities of the Chinese, to talk of their political economy, and of their attempts to put down the opium trade, and to compare their conduct in that respect to the conduct of the Spaniards in putting down the trade on the Mexican coast, that was a very good way to get over the real point in discussion; but he would recommend to the right hon. Member, and every Member of the Government, first to read the superintendent's dispatches, and then say whether it was right that there should be no advice given, no instructions sent, no references even made to the letters, but that he should be told only "to press for the substitution of a less objectionable character than the character 'Pin.' The two letters of the noble Lord to which he had referred, were the only letters, they were all the instructions that the superintendent received, all that he had to guide him in the extraordinary circumstances in which he was placed. If the House were to decide this question, aye or no, is not the disastrous state of affairs in China to be attributed to the supineness and neglect of her Majesty's Government? He (Sir W. Follett) said, that it was impossible to deny that there was neglect, and that the superintendent was left there without receiving proper powers and instructions, though he repeatedly pressed for them. The right hon. Gentleman, the House would remember, had said that that part of the charge, that the superintendent was left without powers and instructions, was the most important part of it; but he did not grapple with it, nevertheless. Indeed, he did not remember that the right hon. Gentleman had given any answer to it, except that China was further off than Paris. Now, that being admitted to be the gravest part of the charge, when a Member of the Cabinet could make no other answer, that he thought was almost as conclusive a censure on the Government as the vote of a majority. Now, with respect to the mode of communication. The right hon. Gentleman said that no part of the present inconveniences had arisen from the attempt of the superintendent to fix his residence at Canton, because he had permission to establish himself there before they began. True, he at last had got permission, but it was important to notice that Captain Elliot had got this permission because he had departed from the course adopted by Lord Napier, and he was treated the same as, under the East India Company, their supercargo would have been. However, the Chinese would never admit a permanent resident there; it was almost impossible to suppose that they would, unless the whole character of the nation were changed, nor would they admit of direct communication with the viceroy. That, however, the noble Lord, against the advice of Sir G. Robinson, against the advice of the hon. Baronet the Member for Portsmouth, against the advice of the Duke of Wellington, had pressed again and again. It was predicted that collision with the Chinese would take place upon the abolition of the East India Company's charter. The Government, then, were to take precautions against such a result. They had notice of the probability five years ago nearly. The result was that the trade was now stopped altogether; that we had declared, or were about to declare war; that we were going to send out an expensive expedition, and send soldiers and sailors to fight with an ill armed people, as the right hon. Gentleman called them; but if ill armed they were, then our troops were about to enter into conflict with a nation against whom no honour could be gained. The right hon. Gentleman had not said that the war was a politic or well advised one, only he said it was a just one, and likened it to the case of a French Consul at the Mauritius being imprisoned by the Governor there, he asked would not a war on such a ground be a just war on the part of France? But he would ask in reply to this, whether it were right to apply the international laws of Europe to such a country as China? The Chinese would not allow the representative of any foreign power to have a residence within their dominions. That was their law; but could we seek to impose upon them our notions of international law in this respect, when at the same time in all our other dealings with them we proceeded on the supposition that they were not subject to international law at all. It, might therefore, be no cause of war if the British refused to give up those who violated Chinese laws to be tried by those laws, and the Chinese thereupon did what was not strictly in accordance with European international law, so that he very much doubted whether, if the Chinese imprisoned a British subject in order to put down the opium trade, such an act could be considered as a justification of going to war. Although the British were violating continually the laws of that empire, yet they said now that the violation on the part of the Chinese of international law was a just reason for war. He was not favourable to war at any time; but, if this country must go to war, he trusted that it would be a just one. He confessed he could not see without some anxiety that we were engaging in a war with the Chinese, a people who, as Captain Elliot described them, were anxious only for justice. He must say he was averse to letting loose against such a people the horrors of war without the certainty of the justice of it. When the right hon. Gentleman said he thought the feeling out of doors would be in favour of the war on such principles as the right hon. Gentleman had enunciated, he knew not what the feelings out of doors might be; but he thought he could venture to tell the right hon. Gentleman that there was a growing feeling in the country with respect to our foreign transactions. The times were full of peril; the foreign relations of this country were in far too delicate a position, and the questions of peace and war were on too nice a balance to be longer trifled with. He said it was impossible to see where this war, whether just or unjust, which had been brought about by the conduct of the Government, would terminate. It might produce hostilities with other nations. There was no one who could say that they would be exclusively confined to operations against China. There was none who could say to what results this war might lead. Without referring, however, to any consequences that might result from it, he must say, that after giving the motion now before the House the most careful consideration, he felt bound to vote with his right hon. Friend, because he was satisfied that the charge in his motion against the Government, for their past conduct in respect to China, was fully and completely made out.

Sir *G. Staunton* could assure the House that he did not rise to answer the legal arguments of the hon. and learned Gentleman who had just sat down, being quite sensible that that task would be more ably performed by others; but, so peculiarly connected as he was with the subject of the debate, from having resided for many years, and filled a commercial office in China, he felt that it was his duty to endeavour, as far as he could, to express his feelings on so important a question. He felt, too, that he was further called on to do so by the very flattering allusion of the right hon. Gentleman who had opened the debate, to certain resolutions which he had proposed to this House some years ago. All he could say with respect to those resolutions, after the fullest consideration he could give them, was, that he fully adhered to every word they contained. He was sensible that he rose under circumstances that, from the complexity and difficulty of the subject, might well embarrass a more practised debater; but he felt assured that the House would grant him that indulgence and liberal allowance which were always shown to Members who rose under peculiar circumstances to state their opinions. Before he entered into the general subject, however, he must request permission to allude to something like a personal allegation against himself, which he found in the volume of papers now on the table of the House. It there appeared, at page 340, that in a conversation with Captain Elliot, Howqua, the Hong merchant, had expressed his surprise that in reference to the China Courts Bill, which had been introduced by his noble Friend, that measure "had been mainly arrested in its progress by his (Sir G. Staunton's) objections." Now, the fact was, that he had not opposed that bill, but he had suggested certain amendments, because he would not give the Chinese the power of harrassing British subjects without introducing some protecting clauses. With regard to the present motion, the impression on his mind was, that it entirely omitted the consideration of that great question which now agitated the country—namely, whether the important contest in which we were about to engage was a righteous and just one, or a cruel and iniquitous one. He certainly felt that he should not do his duty if he were to confine himself to the very narrow view implied in the motion, and therefore, when he considered that the noble Lord, the Secretary for the Colonies, had announced to the House distinctly that the object of the armament which was notoriously fitting out was for the reparation of the injuries and insults of British subjects, to procure indemnity for their losses, and to re-establish our trade in China, he must say he felt great surprise that at the end of three weeks, when a sort of field-day was appointed for the Chinese discussion, not one word was introduced into the motion having any reference to the objects of that expedition. He must, however, say that he rejoiced at it, for when he saw this very day, and every day of late, in those public papers which were supposed to coincide with hon. Gentlemen on the other side of the House, language of the most violent nature, that the war about to be undertaken in China was most atrociously unjust and dishonourable to this country, and described by every epithet that was disgraceful, he rejoiced, he said, to find that in this House no person rose to give any sanction to such opinions. Considering, as he did, though very reluctantly, that this war was absolutely just and necessary, under existing circumstances, he rejoiced to find that it had received the tacit approbation of that House. He did not concur in the sanguine opinions that were entertained by many, but was prepared to meet with many difficulties. He expected that it would be a protracted war, and he thought that those who considered it to be unjust and impolitic were bound in duty to interpose their protest to its being entered into. Those who entertained such opinions were bound to express them without further delay; for a fast-sailing vessel might yet stop the armament, and prevent its consequences. He was not advocating the particular policy of the Ministers when he said that he thought this war necessary, for he was not at all in the confidence of the Government. He knew nothing whatever of the course they intended to pursue, except so far as it had been publicly announced. In rising, therefore, to state his approbation of the general principle, he did not intend giving any opinion as to the particular course adopted. He must say, he had given his most reluctant assent of approbation to the war. He had long been engaged in negotiations with China, and it had always been his endeavour to act on the principle, that whatever opinion might be formed of the vexatious and embarrassing character of the laws of China, we had no right to interfere with them. In his official character in China he had remonstrated to the utmost of his power against those laws which he considered most embarrassing. He stated that they were injurious to both parties, but no pretext could induce the Chinese government to alter them. He had never used intimidation; his argument was, "if you oppress the trade we must give it up." With respect to Lord Napier, he believed that in that case our Government was entirely wrong, and he lamented that proper steps had not been taken to secure his recognition. On the unfortunate issue of the noble Lord's mission there was a strong feeling entertained that the time was come when the interests and honour of this country required interference and vindication; but he protested against it, and the events which afterwards happened justified him in the opinion he then expressed. Under the able mission of the noble Lord's successor, Mr. Davis, trade was restored, and the prosperity of it continued for about two years. Captain Elliot then succeeded him, at, certainly, a very unfortunate period, for it was at that time that the Chinese government were taking more vigorous steps than before for the suppression of the opium trade. With respect to the immorality or impolicy of the opium trade, he thought he might say he yielded to no Member of the House in his anxiety to put it down altogether. In accordance with this opinion, he offered to second the motion of his noble Friend, the Member for Liverpool, whenever he should bring it forward. But, though he felt very strongly on this subject, though he disapproved of the resolution of the Select Committee in 1832, which declared, "that it was not then expedient to relinquish the revenue arising from the cultivation of opium in India to send to China;" though he traced to that resolution all the consequences which had taken place down to the present interruption of the trade between England and China, yet he felt that there were circumstances connected with the trade which prevented his feeling surprise that her Majesty's Government had so acted. He hoped that the noble Lord, the Member for Liverpool, would deem it expedient to give more time before he brought forward his motion. But the question between us and the Chinese government with regard to the opium trade was not a question of morality or policy, but a question whether there had been any breach of international rights or international law. For a time, certainly, when the laws against the opium trade were in a state of abeyance, when the viceroy of Canton gave the use of his own vessels to bring up the opium to Canton, they could not feel surprised that foreigners did not feel themselves bound very strictly to obey the edicts of the government. But, undoubtedly, the Chinese government had a right to carry their laws into more stringent effect, and it was for foreigners then to inquire what those laws were and obey them. Now, from the earliest period, foreigners had not been permitted directly to come before the Chinese tribunals, but through the medium of the Hong merchants; the remedy was, first, against these sureties; then against the property of the party. The former course had been when the edicts were not to suspend the trade of the country, and the last step was to expel those who set the laws at defiance. Up to the arrival of Commissioner Lin there was no other law. There had been no other penalty against the importation of opium than these—the remedy upon the property of the person, extending to confiscation of all found within the river of Canton; but there was no law which reached property out of that river. When the imperial commissioner arrived at Canton he brought with him a new law of a very extraordinary and severe character a law denouncing death against any foreigner that traded in opium, and subjecting his property to confiscation to the crown. However severe this law, it might be justified. It might be said, that we must submit to it or relinquish our trade; but to attempt to punish those under the new law, who had arrived in China under the old law, must be condemned by all parties as a most atrocious injustice. There was no law before in China by which the hair of the head of any European could have been touched for smuggling. He therefore said, that an act of such atrocious injustice, without looking at all to any subsequent events which had occurred was a full justification of the measures which had been taken to exact reparation. He conceived that the commercial interests of the merchants dealing with China were not alone at stake. An American merchant had well described the conduct of the Chinese towards the English as resembling their treatment of a refractory village; and doubtless, had not the opium been delivered up, they would have treated the English as they did refractory hordes—put them to the sword. Let the House recollect that our empire in the East was founded on the force of opinion; and if we submitted to the degrading insults of China,—the time would not be far distant when our political ascendancy in India would be at an end. The course which he hoped and believed her Majesty's Government were about to pursue was to make rational proposals to China—such proposals as the Chinese would accept without any improper submission. But, considering the character of that people, such proposals, to be successful, must be accompanied by a competent force. If ever the opium trade were put down, it would be by the co-operation of the Chinese government with our own. That co-operation could be maintained only by a treaty, which he hoped would be established; and the measures now in force appeared to him to afford the only prospect they now could have of putting down a traffic, of which he was anxious to see the end. The motion of the right hon. Baronet seemed to indicate that some other policy ought to have been pursued than that which her Majesty's Ministers had pursued; but he certainly could not trace in the terms of the motion what that policy ought to have been. If they had been told in distinct terms what orders ought to have been given by her Majesty's Government to put down the opium trade, he should have understood it. But it seemed that the right hon. Baronet was not even wise after the event; he was not prepared to tell them what ought to have been done. He was prepared to say what, in his opinion, ought to have been done.

From the earliest period that the opium trade had come under consideration he had formed his present conclusions, and at the time of passing the resolution of 1832, he thought that that was a very improper proceeding. He was quite aware of the difficulties connected with the opium trade, but he thought those difficulties ought to have been grappled with at the time; the committee had then sufficient evidence of the nature of the opium trade; Captain Shepherd had said, that the trade would ultimately lead to the adoption of extreme measures by the Chinese, and that they would say, if you poison our people we will deprive you of your trade. The destructive nature of that trade to the character of the Chinese people had been pointed out, and sufficient grounds had been shown for the adoption of a different course. The course which might have been adopted had been suggested by Captain Elliot himself. He said, that it could not be good for a great trade to depend upon a prohibited traffic; and Captain Elliot added many cogent reasons for regretting the extent to which the East India revenue was dependent upon such a course of trade. It appeared to him that a better system might gradually have been introduced, and that the best lands of India might have been made to produce that which was beneficial to man, instead of being devoted to the cultivation of such a pernicious article. The Parliament of that day, however, had approved of the resolution of the committee, and the right hon. Baronet himself, among others, had approved of it. He therefore thought it in the highest degree unjust to visit upon her Majesty's present Ministers the consequences of a system which had received the approval of the House and the country. With regard to the orders issued by his noble Friend, the Secretary of State for Foreign Affairs, having read all the papers before the House with the utmost attention in his power, he felt bound to say, that he could not at all connect the present unhappy state of things in that country with those orders. Entertaining the strong opinions that he did on the opium trade, he could not hastily condemn his noble Friend for not attempting to put it down after it had reached the great extent it had done in 1837, when it had become connected with every branch of the British trade with China—constituting, he believed, nearly three-fifths of the traffic, and when the existence almost of the rest of the trade depended upon it. With regard to the immediate cause of the rupture, he thought that was entirely attributable to the conduct of the Imperial Commissioner Lin; and he thought that neither his noble Friend nor any other person at all acquainted with the habits of the Chinese people, could have at all anticipated the conduct of the Commissioner Lin. During the last 200 years, since the commerce with China had first commenced, he had no hesitation in saying, that there was no instance of a similar outrage having been committed. The utmost that had ever been done before had been to suspend the trade. The memorandum of the Duke of Wellington had been referred to. There was much in it to confirm the high character of the illustrious Duke, and to exhibit his great foresight and sagacity. But what were his orders to Lord Napier? Why, that he should pay the utmost attention to the instructions he had already received from Lord Palmerston; therefore, so far the illustrious Duke confirmed the orders of the noble Lord. A great deal had been said about the want of powers to Captain Elliot. It was rather singular, that at page 285 of the papers before the House, Captain Elliot entered into a particular discussion as to whether it were expedient formally to require all British subjects engaged in the opium trade to quit the coasts of China, and if the order issued in 1839, had it been issued seven months before, and been obeyed, the immediate cause of the present rupture would have been avoided. Captain Elliot, in the passage referred to, gave five reasons why he could not then give those orders, but want of power was not one of them; therefore, if power had been given by the Government at home, still he would have adhered to his own view of the subject. He was sorry to see in a pamphlet which was circulated yesterday, that he was reported as pressing hard upon the conduct of Captain Elliot; this was not the case, and having exercised the functions in China which he (Sir G. Staunton) had exercised, he felt it impossible not to feel the utmost sympathy for the difficult and embarrassing position in which that gentleman was placed—he had exhibited great gallantry and great anxiety to do his best for his country;

and what appeared to be vacillation he verily believed was only extreme anxiety to meet the various exigencies of the case. The pamphlet then went on to ask what he would have done if he had been subjected to the edict of Commissioner Lin, and been told to tremble? The only answer he would give would be to state what he actually had done under circumstances somewhat similar. When he accompanied Lord Amherst to Pekin, similar threats had been held out to him; he was told that his life would be forfeited if he did not advise the ambassador to perform the ceremony of the Ko-tow; he did not tremble at the order; he did not advise the ambassador to perform the ceremony. The ceremony was not performed, and the embassy was dismissed in safety, and on its returning from Pekin, received even greater honours than had been accorded to the preceding embassy of Lord Macartney. He did not say this in disparagement of Captain Elliot,—he believed he had been actuated by a sincere desire to benefit his country, and that he had exhibited a total disregard to his personal safety in the execution of his duty. Still, entertaining as strong an opinion on the opium trade as he had ever done, and hoping that the Government would give the fullest consideration to that part of the subject, having considered the orders that the Government had issued, he could see no ground for fixing on those orders the present unhappy state of affairs, and he therefore felt bound to give a decided negative to the motion of the right hon. Baronet.

Mr. *Sidney Herbert* said, the House was now so fully in possession of the facts of the question, that he was glad to find that there was no necessity to go further into details. He, in common with other hon. Members then present, had listened most attentively to the hon. Baronet who had just sat down, considering from his knowledge and experience upon subjects connected with China, and with our Indian empire, that his observations were entitled to respect, and would excite interest in every quarter where they became known; but he confessed that, in one respect, at least, the speech of the hon. Baronet had grievously diappointed him—it was impossible to collect with certainty the views or opinions which the hon. Baronet entertained. It would seem from the speech which the House had just heard, that the hon. Baronet was opposed to any species of interference with the people or government of China, at least that that was formerly his opinion; but it was by no means certain that he did now entertain sentiments of a widely different nature. The hon. Baronet appeared to admit that he was unable to connect the despatches of the noble Lord with the question to which the opium trade had given rise. Now, that being so, he desired to know was it well or fitting that the Foreign Minister of such a country as England should write no despatches which were connected with that which formed the great object of anxiety, dispute, and eventual hostility? The right hon. and learned Member for Edinburgh had complained that the present motion was retrospective, that the censure which it was intended to convey was retrospective. He begged to know how censure could, with any shadow of justice, be otherwise than retrospective. He confessed he did not see how it could be made prospective. The right hon. Member for Edinburgh asked why the motion had not been made to apply to the future policy of her Majesty's Government. He would answer that question very briefly by saying, that the reason of its not being made to apply to the future was, that on the Opposition side of the House, they had no knowledge of the future policy of the present advisers of the Crown. They did not desire, prematurely, to extract that knowledge from Gentlemen on the other side, and therefore it was that they forbore, lest such enquiries should prove detrimental to the public service, to put any questions of an inconvenient character, or make any motion calculated to harass the Ministers of the Crown. They had abstained from that, even when they knew that the Government were to blame. He was as much averse as man could be from making observations upon the conduct of our representative at Canton, which could be regarded as in any respect harsh or severe; but, looking at his conduct in the most favourable light, it must be described as vacillating. When, in the first instance, he was called upon to remove the opium ships, and take their cargoes, his reply was, that he possessed no power to do any thing of the sort; that reply was founded in truth; it was perfectly true that he did not possess the power to do so; but so soon as the Chinese authorities placed him in confinement, their objects were accomplished, not perhaps by the exercise of authority, for it might be quite true that Captain Elliot possessed no such authority, but by moral force he might have effected that which was necessary for the time to satisfy the Chinese, and having done so, was he at all justified in taking for granted that they would understand the distinction—that they could reconcile his first declaration with the facts which subsequently took place? The despatches of the noble Lord were sixteen in number, two of them related to ships of war, one to extension of jurisdiction, and all the others to disputes about mere ceremonials. He did not blame the noble Lord for devoting a considerable quantity of his correspondence to the subject of ceremonials, for, however cheap we might hold them, they were objects of great interest and importance with the people of China; but of this he did complain, that the noble Lord should so long have remained insensible to the calls so frequently made upon him for fresh and more full instructions; he did complain that the noble Lord should in so remarkable a degree have disregarded the numerous instances in which his attention was called to the affrays which were daily taking place with the Chinese. He could not help saying, that to him it appeared most inconceivable how the noble Lord could pay so much attention to one class of subjects, and so very little to another; and it was further remarkable, that the very instance in which Captain Elliot proved successful was a case in which he had received no instructions from the Government at home. It was perfectly true, that in carrying on negotiation and intercourse with with the Chinese, Lord Amherst and both the Wellesleys had disdained the letter of the instructions forwarded to them, but it was equally true, that they possessed a general authority to act upon their own discretion. If it were true, as there was every reason to believe it was, that the Chinese were not indisposed to commercial intercourse with the English, and felt no personal objection to maintain friendly relations with this country, but were influenced solely by a feeling of apprehension, occasioned by our supposed love of conquest, then he should say, that peace, not war, formed the best mode of reconciling them to the course which our sense of duty and of interest induced us to pursue. It was perfectly natural that the people of China should regard with dread the progress which the arms and the diplomacy of England had made on the continent of Asia. Nothing could present to their minds a more striking illustration than did the Governments of Clive and the two Wellesleys, of the restless, indomitable energy of our character. He deeply regretted to think that the country had engaged in a war of doubtful justice, that we were expending 6,000,000*l.* to recover 2,000,000*l.*; that we were sending good money after bad, and that we were contending with an enemy whose cause of quarrel was better than ours. Sir Joshua Reynolds, in the course of his observations upon art and nature, observed, that if an Indian were to see a gentleman of that period with his head shaved, and the place which his hair had occupied supplied by a powdered wig, he would think the accomplished man of fashion the greater savage of the two. Now, it really appeared to him, that in our conduct towards China, we had proved ourselves to be the less civilized nation of the two. He did not complain of her Majesty's Government for sending out an armament, but he did complain of this—that their previous conduct had rendered such a proceeding necessary. The effect had been, that the country now had an expensive war upon their hands; that we had incurred the hazard of losing that which was essential to the comforts and the morals of a large proportion of the humble classes of the community; and when the probable evils of such a war were pressed upon the attention of Ministers, they went off to the question—Would it be successful? He must say, that to him it appeared impossible to read the book then on the table of the House respecting the affairs of China, without coming to the same conclusion at which the right hon. Mover had arrived. Unless men were blinded by factious or party feelings, they could not shut their eyes to the fact, that we had engaged in a war without just cause—that we were endeavouring to maintain a trade resting upon unsound principles, and to justify proceedings which were a disgrace to the British flag.

Adjourned Debate.

HOUSE OF COMMONS,

Wednesday, April 8, 1840.

MINUTES.] Petitions presented. By Messrs. Hutt, Brotherton, and G. W. Wood, from several places, against, and by Messrs. H. Johnstone, Parker, Jarvis, and G.

Palmer, Colonel Verner, and Sir G. Clerk, for Church Extension.—By Messrs. Fox Maule, and M. Philips, from a number of places, for, and by Mr. R. Palmer, and Lord C. Russell, from two places, against the Repeal of the Corn-laws.—By Messrs. Chute, and Pusey, and Sir E. Wilmot, from several places, against the Union Workhouses Bill.—By Mr. Freshfield, from Manchester, Preston, and other places, against Railway Monopolies.—By Sir B. Hall, and Messrs. Brotherton, and Round, from several places, against the Opium Trade.—By Mr. Hutt, from Bookbinders and Printers, against the Copyright Bill; and from Derby, against Church Rates.—By Mr. L. Bruges, from Bath, against the Duty on Post Horses.—By Mr. Plumptre, from six places, against the Irish Corporation Bill; and from eleven places, against the Grant to Maynooth College.—By Mr. Fox Maule, from several places, in favour of Non-Intrusion.—By Mr. Hastie, from Paisley, against the Existing system of Church Patronage.—By Sergeant Jackson, from the Irish Bar, for a Law to determine the Privileges of the House of Commons.

War with China—Adjourned Debate.] Mr. *Hawes* had listened with the greatest possible attention last night to the speech delivered by the right hon. Gentleman the Member for Pembroke, and undoubtedly the importance of the interest at stake, the great ability and perspicuous arrangement of the right hon. Gentleman, demanded, on the part of every Member of that House, the most careful attention. The interests at stake were great indeed, they were great in a naval and mercantile point of view, and also as involving the character of this country. The right hon. Gentleman the Member for Edinburgh, in the course of his reply to the speech of the right hon. Baronet, separated correctly the accusations brought against the Government into four distinct charges, and having carefully considered since what fell from the right hon. Gentleman, he thought the answers were complete. The first charge related to the original instructions for enforcing the residence of Lord Napier, at Canton, for which the right hon. Gentleman was himself responsible. The next related to instructions enforcing direct communication with the vice-regal authorities of China, for which he was also responsible, and both of those charges were entirely disposed of by the right hon. Gentleman (Mr. Macaulay), both having been conceded by the Chinese government. The two last of the right hon. Baronet referred to the want of sufficient force in the Chinese seas, and the not having taken measures to suppress the contraband trade in opium. He proposed to deal only with the last charge, but would first take the liberty of noticing an observation which fell from the hon. Gentleman who spoke in the debate, the Member for Wiltshire, who claimed credit—as he owned to his surprise, and that of many hon. Members around him, for forbearance on the part of Gentlemen opposite in putting questions to the Government, or raising discussions which were likely to be prejudicial to the public service. He must say, if ever there was an opposition in the whole history of party which had so little right to claim that credit, it was the opposition he had the honour to see on the other side [*Hear*], and those cheers might probably form his authority for stating the grounds on which he made the statement. He could not forget the debates which had occurred in that House on several important occasions. He would just allude to one circumstance to justify this statement. They must all recollect in 1838, the discussion which had taken place in that House on the subject of the Spanish Auxiliary Legion. Scarcely had a slight disaster occurred to that force when it was made the subject of discussion in that House, although the subject had been mentioned distinctly in the speech from the Throne, it had never been alluded to by Gentlemen opposite then. It had never been made the subject of a discussion in that House until the occurrence of some slight disaster, nor was that the only occurrence of the sort. He could not forget the Jamaica case. He could not forget the Jamaica Prisons Bill, which had passed both Houses with scarcely any opposition. The opposition of the planters of Jamaica had been made in that House by Gentlemen opposite a matter of party discussion and party division. In fact, he never saw any occurrence calculated either to create trouble or difficulty at home or abroad, but what it was made the subjects of party debate, and as regularly as from the alterations of the barometer the observer could foretell fair or foul weather, just so, from the occurrence of any minute difficulty, or of any slight disaster, could be foreseen a most severe party debate in that House. He would now address himself to the subject more immediately before the House. The right hon. Gentleman had acknowledged distinctly his responsibility respecting the China Act. He meant to lay it down as a principle, that the contraband opium trade were the foundation of all these troubles. In 1833, when the India Act was passed, and the instructions were sent out, all the evils of this trade were well known, and the dangers attending it had been distinctly pointed out, no information had been wanting to prove the nature of the trade, or to show its tendency to produce collision with the Chinese authorities, and to put a stop to trade with that country altogether. All these circumstances were as distinctly known then as they were at present. He would refer only to one document to show that the pernicious nature of this trade had long since been pointed out. In a despatch of the East India Company, which had been laid before the House as long back as 1831, they found this remarkable passage relating to the trade in opium. The Company state that

> "They do not wish to increase but to lessen the use, or rather the abuse, of opium, by making the price, both at home and abroad, as high as possible, consistently with a regard to the state of the markets, so as not to be undersold by foreign powers; and if it were possible, they would gladly prevent the use of the drug altogether, but that was absolutely impracticable."

The pernicious tendency of that trade was well known before that time, yet, notwithstanding that, it was directly encouraged first by the East India Company, and then in Canton by the supercargoes, who, instead of taking steps to put it down, allowed it to be carried on under their sanction. Mr. Grant, on bringing forward the bill for opening the trade with China, expressly stated, that it was a contraband trade—that it was a dangerous trade, and one that could not continue. Now he wanted to know, if all this information was well known, how it was that measures were not taken by the Government of that day to put down the trade in opium. To that trade he (Mr. Hawes) attributed all the evils which the trade between this country and China had been suffering, and to that he attributed all the jealousies of the Chinese. The right hon. Gentleman who had brought forward the motion was a Member of the Government of that day, and therefore he must be considered as being responsible for having encouraged the trade in opium. The speech of the right hon. Gentleman last night made scarcely any allusion whatever to the trade in opium, and was marked for its avoiding all allusion to the difficulties that surrounded the question. He did not tell the House what it was his intention to do with respect to it—he did not say that it was desirable to put that trade down, but left the House in a state of total darkness as to what his views were. He would venture to say, that no one in that House could doubt that the right hon. Baronet had ample grounds for taking the course he had done. He was a Member of the Government in 1833, and he knew very well that the opium trade was a source of great revenue. He knew also that there was a resolution of that House, sanctioning the trade, and that it was almost impossible to put it down. He contended, therefore, that the mercantile interests ought not to be treated in the manner they had been by the right hon. Baronet, they had a right to know what the intentions of the right hon. Baronet were, and what would be the course pursued by that Cabinet, which it seemed the right hon. Baronet was in hopes he, and those with whom he acted, would be called upon to form in consequence of the result of this motion. The difficulties that surrounded the question were notorious. Putting an end to the contraband trade in the port of Canton would not stop the trade in opium. That trade would continue to its fullest extent —and it was stated in the papers before the House that notwithstanding all that had been done to suppress that trade, it was now more flourishing than it was at any former period. The right hon. Gentleman was afraid to propose a distinct resolution for the purpose of putting a stop to that trade. He challenged hon. Gentlemen opposite distinctly to state their opinions on this subject. Would they put down that trade—could they put it down? It appeared to him, that the Chinese had sought to make the British a kind of Preventive Service, having no sort of power on their part to stop that trade which they considered to be pernicious. The right hon. Gentleman opposite was responsible for having sanctioned and encouraged the trade, and that would explain his silence on this most important branch of the subject. The right hon. Gentleman had also alluded to the conduct of Captain Elliot. He was anxious to say one word, as to a portion of Captain Elliot's conduct, which had been the subject of condemnation. The conduct of Captain Elliot, with reference to the surrender of opium, had been freely canvassed. Captain Elliot had only two courses to pursue—his first duty was to preserve life and property. Again, he had two courses to pursue with respect to the opium—either to allow it to be confiscated by the Chinese, to the utter ruin of the British merchant, or withdraw it from the market and seek some other place for its sale. On either side ruin stared our merchants in the face; and although the trade was contraband, it had been carried on so long, and had been participated in and connived at by the Chinese authorities, that it had become a large, an important, and a well-known and regulated trade, and it was utterly impossible for Captain Elliot to have acted up to his instructions without watching over it. He was to watch over the trade of the port of Canton. It was well known that the opium trade was the most important part of it, and he was justified in considering it his duty to watch over it. The Chinese Government, by seizing upon the persons of British merchants, putting them in prison, seizing the opium of the parties under threats, put themselves in the wrong, and Captain Elliot immediately took advantage of it—put himself in his uniform, and put himself in confinement along with his imprisoned fellow-countrymen. He would not give his support to the Government in any case involving a war, unless he thought it was absolutely necessary, but he did not think that there would, in fact, be any war. It had always been recommended by all who had visited China, from the first time a ship of war had arrived on the coast until the present time, that, in order to negotiate with the Chinese with advantage, it was necessary to negotiate backed by an imposing force. In all probability, when the Chinese Government came to reflect upon the illegal conduct of their own commissioner, and when they found that the British would no longer be trifled with, he fully believed that the object of the argument would be attained without any war, and if this country were to be respected throughout China and India they must now take a decisive course. He believed he was entitled to say, that all those engaged in the trade with China were satisfied with the course pursued by her Majesty's Government, inasmuch as it was calculated to give security to their future intercourse with it. Unless these steps had been taken, the probability was that the trade would have been carried on under the most painful and humiliating circumstances. The indignities practised upon British merchants, the sufferings, exactions, and extortions, which had been so flagrantly practised, were matters well known to every person engaged in the trade, as well as to all who had looked through the papers laid upon the Table—the course taken by the supercargoes of the East-India Company was one of cringing and submission, and utterly unworthy of the spirit and independence of this country, and it was naturally foreseen that the appointment of a British officer would produce some collision requiring the intervention of an armed force? He would give them one instance of the conduct of these supercargoes. Mr. Pigot, an officer on board the Scaleby Castle, having accidentally killed a Chinese, the authorities required that he should be surrendered to them for execution. Instead of resisting the demand, they showed the Chinese the body of the mate who had died a few days previously, stating that it was the body of Mr. Pigot, who had destroyed himself from fear of the anger of the Chinese. He read the despatch of the resident to the directors of the East-India Company, to show that the officer of that great Company gave his countenance to so great a fraud. The despatch stated that—

> "By this expedient the Europeans had been relieved from great difficulty and embarrassment, and he trusted that he should not incur the blame of the honourable directors for having acquiesced in it."

It was impossible not to suppose that those who were responsible for the Act of 1833, anticipated that some collision of the same kind was likely to arise at a future time. Lord Napier had scarcely arrived in China when he perceived the absolute impractibility of referring home for instructions how he was to act. In fact, it could not be denied that it was impossible for the Government in Downing-street to provide for all the contingencies that might arise in Canton, and a great deal must be left to the discretion and energy of the superintendent. He referred to the statements of Lord Napier, and of Sir T. Metcalf, in proof of this; and in truth no fact was better known than that our great empire in India was consolidated, and held together by the spirit and energy of the Governor-general acting on the spot, without waiting for the instructions, and sometimes acting against the instructions, of the Board of Directors in England. On the present occasion, he would not support the Government if he did not think that they were entitled to his support. Had hon. Gentlemen opposite stated what course they meant to pursue in the existing critical emergency? Not a syllable of intimation as to their course of policy on the subject of China which could be clearly and distinctly understood had they given. Allusion had been made to the memorandum of the Duke of Wellington, recommending peaceful measures. What peaceful measures did the accompaniment of the stout frigate and the sloops of war in the Chinese seas portend? That was rather a curious mode of expressing and manifesting peaceful intention towards the Chinese in their trade with British merchants. Were the merchants of this country to continue their trade with China assisted with such accompaniments? Large discretionary powers must of necessity be vested in Captain Elliot, or any other British officer similarly circumstanced. From the speeches delivered by hon. Members opposite, he could glean that it was their intention to support the Government in their hostility towards China. The armament had already gone forth, and what was the object or the peculiar good expected to result from the present discussion? Was it the object of hon. Gentlemen opposite to terminate the trade with China? There were not in this country means ample enough to put down the opium trade, for it was a trade that could not be sufficiently checked; or if it was suppressed with one class of traders, it would only devolve into the hands of a different and a desperate class. If it was intended to put down the opium trade—if it was determined to terminate the commercial relations of this country with China —if the national honour was not to be vindicated from injury and insult—then he must say, that one of the greatest misfortunes which could befal would occur to this country, whose very existence in Asia and Europe depended upon its conduct in this critical and difficult emergency. England, on the present occasion, sought not conquest or extent of dominion; her object was not aggression nor aggrandisement; all she sought was reparation from insult and injury. There was no actual state of war then existing. An armament was merely equipped effectually to support the trade negotiations of this country, and all history proved that the success of any nation was proportioned to the physical powers with which she supported her negotiations. The course pursued by the present Government was a course satisfactory to the country at large, and satisfactory to the merchants engaged in the trade with China; for the country and the merchants felt that insults to British subjects were not to be slightly committed, especially in India, where Britain was powerful more by her moral than her physical influence—in a region where the light of Christianity had not as yet dawned, and which could be introduced solely through the medium of commercial agency.

Mr. *Thesiger*, in rising to address the House for the first time, said, that he had but little claim to their attention, for he could bring nothing to the consideration of the question but the industry which had enabled him, in the midst of other avocations, to examine the voluminous mass of papers on the table, and a desire to comprehend them exactly, and to trespass no longer on their attention than was absolutely necessary. This was a question of the most momentous importance. We were on the eve of a war with a nation of which we scarcely knew anything, and it was impossible that human sagacity could foretell the results of that war. It certainly might be, that by a mere demonstration of force, we might avert hostilities, and restore again this wide field of commercial enterprise; it might, however, happen, that this empire, of which we knew so little, having resources of which we had no conception, might defeat our attempts; in which case the issue would be, that we should lose a trade of vast importance to the country, which loss would be enormously aggravated by national defeat and disgrace. It might, under such circumstances, be wisdom to stop on the very threshold of war, and inquire whether the circumstances were such as to place the question of peace and war beyond human control, and whether, also, in the course of policy which had been pursued, the great interests of the country had not been neglected by the Administration. It was in vain for the hon. Member for Lambeth to say, that the present charge emanated from a spirit of party. Opposed as Gentlemen on his side of the House were to the principles of the present Government, it was very easy to impute party spirit as a motive for their actions; but the country would not be deceived; nor would the House be deterred by any such imputations from the discharge of an important duty. Neither was he ashamed to express his conviction, whatever might be the result of this debate, that the nation was deeply indebted to the right hon. Baronet (Sir J. Graham) for having brought the subject under the consideration of the House. Hon. Members on the Ministerial side of the House cavilled at the terms of the motion of the right hon. Baronet. He believed it would be very difficult to make any such motion agreeable to them; but still the most extraordinary charges were made respecting the terms of the motion. The right hon. Member for Edinburgh complained because the censure against the Government was retrospective;—this complaint was, however, disposed of in one minute by the hon. Member for Wiltshire, for it was impossible that censure could be otherwise than retrospective, as it was impossible for hon. Gentlemen on his side of the House to know what might be the policy of Government as to the future. They wanted the right hon. Gentleman's means of knowing what that policy was. The right hon. Gentleman had observed that the Government were only charged by the right hon. Baronet with sins of omission. The right hon. Gentleman would permit him to say, that his notion of the duties of Ministers was most extraordinary, if the right hon. Gentleman really thought that it was not a serious charge against a Minister, that he neglects or omits to supply with proper instructions, the representatives of the Crown in foreign countries. The right hon. Gentleman objected, that we ought to bring forward charges that we could prove, but the hon. Member for Portsmouth (Sir G. Staunton) brought forward other objections, with which he came forward in aid of Government. The hon. Member said, that the motion did not go far enough to satisfy him, because it did not say whether the supporters of it really condemned the war or not; and therefore, said the hon. Gentleman, though all my arguments make against the Government, yet they shall have my vote on a division, for the words of the motion are not satisfactory to me. But, as it seemed to him, the hon. Member did not look at the situation in which the supporters of the motion were placed in regard to the Government. The war, under circumstances which might be disclosed, would possibly bear the aspect of a just and necessary war; but the question which they meant to submit was, whether the war had not become necessary in consequence of the gross neglect of the Government. There was no question made by them whether it was necessary or not now. He had his own opinion as to that. You, said the hon. Baronet (Sir G. Staunton), have declared that the war is owing to want of foresight, and to neglect on the part of Government, but you have not told me what you would do yourselves. In reply to this, he begged to observe, that this was the first time he had ever heard that when a charge was made by any one, it was necessary for him to tell what he would have done himself in similar circumstances; but if hon. Members had not been able to discover in the clear and perspicuous speeches of the right hon. Member for Pembroke, and the hon. and learned Member for Exeter (Sir W. Follett) what was the policy which should have been adopted, he apprehended that no man would be able to inform them. One objection to the conduct of her Majesty's Government was, that none of the usual forms had been observed on this occasion; there had been no message from her Majesty brought down by the noble Lord opposite, to tell them whether there had been any declaration of war or not. The right hon. Member for Edinburgh spoke as if we were in a state of actual war; he praised, he justified, he dwelt in a very high strain on the justice of the war. The hon. Baronet (Sir G. Staunton) said, that he was not sure that we were at war at all, and that, at all events, a fast-sailing vessel, if sent out immediately, might stop all that was in preparation, and that all that he wanted was, that representations should be made to the Chinese government by some one, backed by a competent force. The hon. Member for Lambeth, on the other hand, spoke as if there were no doubt about our being at war. For his part he was not able, amidst such conflicting statements, to find whether the war existed or not. But he would pass from this to the question immediately before the House, and he would say, that this was not a question which was to be decided by strong language or forcible eloquence. If it were, the right hon. Member for Edinburgh would have swept away all opposition. Hon. Members on the Opposition side of the House had last night followed the lofty flight of the right hon. Member's eloquence, and looked on in admiration of his talents; but they now descended to the humbler duty of examining the documents before the House, and then, after that examination, attempting to tell whether the ground taken by the terms of the motion were or were not well founded. In considering this question, it was necessary to strip it of all irrelevant matter, and drop all those points which were admitted by all parties. For two centuries we had carried on a very beneficial trade with China. That trade was carried on under certain restrictions, which were completely understood by all parties—that, namely, which prohibited a fixed residence of our merchants at Canton, and that which prohibited us from communicating directly with the viceroy of Canton, or in any other way than through the Hong or security merchants. Such were the Chinese regulations, and they appeared to be unalterable. We might refuse to deal with them if we pleased, but if we continued to seek a trade with them, we must be content to carry on that trade in the way they chose to point out; if we took the benefit we could not refuse the conditions. On these terms we had dealt, and dealt advantageously with the Chinese for 200 years. In 1834 the exclusive privileges of the East India Company were taken away, and a new system was established at Canton. Now, he was not aware of anything more likely to create jealousy and suspicion in the mind of so peculiar a people as the Chinese, than to hear that a course of dealing to which they had been so long accustomed was to come to an end, and that a wholly new system was, all of a sudden, without any previous communication of our intentions, to be adopted. It was most likely that the Chinese would feel alarm at such a course, and that they did so appeared evidently enough. While on this point, he might observe, that it was very important that the House should bear in mind the real state of facts, as to the residence of the East-India Company's supercargoes, for by that means would be removed an impression of the most erroneous kind which had been created by the right hon. Member for Edinburgh. The fact was, that the supercargoes had not resided at Canton, but at Macao. The necessities of trade, when they occurred, called them to Canton, and they used to proceed thither from Macao under a permit, as it was sometimes called, sometimes a passport, obtained from the Chinese authorities. But the duration of this permit was limited to the special purposes of their stay in Canton, and when the ship had cleared out they used to return to Macao. This was very important to be fully understood. Well, by the statute of the 3rd and 4th of William 4th, passed in 1833, the East-India Company's privileges were abolished, and, instead of the supercargoes, three superintendents were created under it. Now the first order in council would be found to give the superintendents the same powers in regard to British subjects trading to Canton, and the necessary control over their proceedings, that the supercargoes of the East-India Company exercised before the termination of their exclusive trade. But that provision, as the right hon. Member for Pembroke had shewn, gave no powers whatever, because the powers and authorities of the supercargoes, with respect to the control of British subjects on the Canton waters had already ceased, in virtue of an act passed previously to the act of the 3rd and 4th of William 4th. All the provisions, therefore, of the order in council with respect to this, referred to a state of things which had passed away, so that the authority meant to be vested in the superintendents, by the order in council, utterly failed and came to nothing. This was the fundamental error, and in his opinion the origin of all the disasters which had ensued. However, to remedy these deficiencies in the order in council, there were the instructions under the royal sign manual, and a letter from the noble Secretary for Foreign Affairs of further instructions and explanations. Now, in these letters of instructions there were two capital mistakes, which, in his view of the matter, led in a very considerable degree to the unfortunate results which had taken place with respect to the trade with China. He alluded in the first place to the directions given to Lord Napier to communicate his arrival to the viceroy; and in the second place, to the directions contained in his instructions to take up his residence in Canton. It was quite evident that Lord Napier considered that that portion of his instructions which required him to communicate his arrival to the viceroy, did not permit him to adopt any other species of intercourse than that of direct communication; and there was no doubt whatever, that that sensitive and ill-fated nobleman, acting up, as he thought, to the letter and spirit of the instructions, forced his residence at Canton, without receiving the preliminary passports, and attempted to compel a direct mode of communication with the viceroy. The difficulties which followed on that attempt were too well known to hon. Members. In the course of three months he sank under those difficulties, and under the degradation and disgrace of the position in which he was placed. It was a most remarkable thing, that in the whole course of these despatches there was not one word of sympathy or of feeling—not one word of regret—not the slightest expression directed towards this event; the grave was permitted to close over him silently, and without observation. And although the noble Lord's attention was particularly called to it in a letter from Sir George Robinson, entreating the noble Lord to ask for some redress for the contumely and insult to which Lord Napier had been exposed, there was no mention made of it, no attempt, nothing done by the noble Lord; his memory was left in silence, and the country was left in the unfortunate position in which it was placed by the issue of the conflict which took place. Mr. Davis succeeded Lord Napier as the first superintendent. He had the authority of the hon. Baronet the Member for Portsmouth for saying, that Mr. Davis was a person of very great experience, and of very great knowledge. Mr. Davis considered, in the unfortunate position in which affairs had been left by the untimely death of Lord Napier, that it would not be expedient that he should force himself at all on the local authorities; and it would be found that he and Sir George Robinson, who succeeded him, carefully avoided any attempt to communicate with the authorities at Canton, and by their forbearance they were enabled to allow the trade to go on in its natural and ordinary current. But it was not to be supposed that they did not feel the greatest anxiety as to the position in which they were placed. The events which accompanied the struggle of Lord Napier showed them evidently that there was a vital fundamental error in the instructions given to them. They were afraid to act; they remained perfectly "quiescent"—a term which was used by Sir G. Robinson over and over again; but they entreated of the noble Lord, the Secretary of State for Foreign Affairs, repeatedly definite instructions, precise powers, information how they were to act in the position of affairs in which they were placed by the circumstances which accompanied the struggle with Lord Napier. He wished to press this particularly on the attention of the House. Lord Napier died on the 11th of October, 1834. The first despatch which reached the Foreign-office afterwards, arrived on the 31st of January, 1835; that was answered, as the House knew, immediately—within two days, by a despatch from the Duke of Wellington, who then held the seals of the office for Foreign Affairs. He should refer to that presently. But there was no other despatch from the Foreign-office till the 28th of May, 1836—being seventeen months after the arrival of the first despatch at the Foreign-office (*cheers*). Now, hon. Members at the other side of the House cheered him when he adverted to the despatch of the Duke of Wellington of the 2nd of February, 1835. He believed the right hon. Member for Edinburgh had last night used that despatch as an argument in favour of the Government, to show that the Duke of Wellington approved of the conduct of the Foreign-office. There was no doubt that the noble Duke did point out particularly to the attention of Lord Napier the 18th and 19th articles of these instructions; but the 18th and 19th articles of the instructions were perfectly inconsistent with the course which had been recommended by the noble Lord, the Secretary of State for Foreign Affairs, because they required Lord Napier to respect even the prejudices as well as the laws and usages of the Chinese; and yet the same noble Lord, under the instructions of the sign manual, required him to violate the prejudices of the people of the Chinese empire, by communicating directly with the viceroy, and by taking up his permanent residence at Canton. The noble Duke, in that despatch, also adverted to what the noble Lord, the Secretary of State for Foreign Affairs, had never denied, to the conduct which Lord Napier was stated to have pursued with regard to following out the instructions he was stated to have received; and the noble Duke cautioned him most particularly that

> "It was not the intention of his Majesty's Government, by force and violence, to establish a commercial intercourse with the Chinese."

No such warning had at any time been given by the Secretary of State for Foreign Affairs; no intimation of the kind had been given; and therefore this despatch, which hon. Members on the other side of the House thought so important to their case, was the first rebuke they had received from the same warrior's hands, the other being that memorial which the noble Duke had drawn up about a fortnight before he relinquished the seals of office. It would now be most important that he should call the attention of the House, which he was afraid he should fatigue, to the details, and present them to hon. Members in a tangible shape. He wished to confirm the position he had laid down. He said that both Mr. Davis and Sir George Robinson earnestly and repeatedly called on the noble Lord, the Secretary of State for Foreign Affairs, to give them some instructions as to the course of proceedings they should adopt, and the noble Lord was deaf to every such solicitation; no such instructions were given at any time, except those of a very trifling nature. The House would allow him, in the first place, to call attention to Mr. Davis's correspondence. He would give the pages, so that hon. Members might refer to them. The first of the correspondence of Mr. Davis was on the 12th of October, 1834. The dates were very important. It was received on the 23rd of February, 1835, and would be found in page 44 of the correspondence relating to China. It said—

> "In the absence of any advances on the part of the Chinese, a state of absolute silence and quiescence on our part seems the most eligible course until further instructions shall be received from home."

On the 28th of October, 1834, which was in page 45, he said—

> "Whatever may be the line of proceeding finally adopted by his Majesty's Government, I have already stated my conviction, that during the progress of the commercial transactions of individuals, and awaiting the arrival of further instructions from England, this commission has no other course to pursue than that of absolute silence."

Then on the 2nd of January, 1835, there was a very important letter from Mr. Davis, page 77, which contained an account of the principal occurrences of the period, as the best ground for an opinion concerning the measures which his Majesty's Government deem it fit to adopt relative to China; and he suggested that an opportunity was afforded by the edict against the Hong merchants. (Hon. Members would remember that there was an edict against the Hong merchants for their extortions from the foreign merchants at Canton), of coming to an arrangement with the Chinese about the rupture with Lord Napier. Mr. Davis was not aware how very much inclined the Foreign office was to neglect every opportunity for interfering in the affairs of China at all. Mr. Davis retired on the 19th of January, 1835, and left a memorandum of instructions for his successor for pursuing the same policy which he had pursued previous to any further instructions from home, and Sir G. Robinson, who followed him, and who executed his duties faithfully and efficiently, acted on the same policy, and, in the same way as Mr. Davis had done, earnestly pressed on the Foreign-office the necessity of sending out more definite instructions. They would find that on the 13th of April, 1835, page 94, he intimates his resolution

> "To maintain his present position until he is in possession of the views and intentions of his Majesty's Government."

On the 3rd of February, 1835, page 81, there was a very important letter indeed from Sir G. Robinson, which contained the account of the boat and crew of a vessel, called the Argyle, having been seized by pirates; and it stated to the noble Secretary for Foreign Affairs, that an account of this outrage was proposed to be delivered by Captain Elliot to the Chinese authorities, but was refused to be received by them, because it did not contain that very objectionable word—the superscription "Pin"—because it was not in the form of a humble solicitation. The noble Lord was made acquainted with the difficulty of communicating with the Chinese government except under that superscription, to which he so strongly and repeatedly objected. Afterwards, on the 26th of July, 1835, in page 100, Sir G. Robinson said,

> "Pending the arrival of those instructions I am now awaiting, I have deemed it my imperative duty to maintain the same position of affairs regarding his Majesty's commission in China that prevailed on the departure of Mr. Davis."

On the 16th of October, 1835, in page 101, he said, "I trust your Lordship will approve of the perfectly quiescent line of policy I have considered it my duty to maintain under the present aspect of affairs."

On the 10th of November, 1835, in page 101, he said,

"Confidently impressed with the conviction that any movements or attempts to enter into communication with the Chinese authorities would not only prove futile, but probably involve serious consequences—such as stoppage and interruption to the trade—I shall carefully abstain from any measures of the kind until in possession of further information and definite instructions."

The noble Lord (Palmerston), and hon. Gentlemen would stop and see when the "definite instructions" and "further information" went. This was what was asked for—repeatedly and earnestly asked for, and never given. He was now coming to the requests, and then he was coming to the mode in which they were answered. In page 105, there was a suggestion in a letter dated December 1, 1835, from Sir G. Robinson, as to extending the powers of the superintendent beyond the limits of the river to Macao and Lintin. In the letter received on the 5th of January, 1836, which was the last of the letters to which he should call attention, and which would be found in page 110, Sir G. Robinson informed the Secretary of State for Foreign Affairs that he had taken up his residence at Lintin on board a schooner called the Louisa; that he had done that for the convenience of captains of vessels who required port clearances, and that he had the sanction of the Chamber of Commerce for the course he had pursued, and he enclosed a letter from the Chamber of Commerce to the noble Lord. Now, here hon. Members who had cheered might perhaps pause, and would come to this conclusion at all events, that both Mr. Davis and Sir George Robinson felt themselves hampered from the want of defined and accurate powers, and that they earnestly and repeatedly pressed on the noble Secretary of State for Foreign Affairs the necessity of sending them out precise and definite instructions. They pointed out that it was quite impossible for them to act; that they were compelled to adopt a "quiescent" course of policy, and that it turned out fortunately that through it the trade was continued. But it was never intended to continue, that the superintendent sent out to Canton was to be a man banished from all intercourse with the local authorities; and yet for want of instructions Mr. Davis and Sir G. Robinson felt themselves under the necessity of pursuing that course of policy. And now they came to that for which Members on the opposite side of the House were so anxious. Now they came to the prompt attention to all the difficulties in which the superintendents were placed, to the ready redress with which the noble Lord furnished them. They had the first despatch of the 28th of May, which would be found in page 111, seventeen months after the last despatch. Now, what did the noble Lord advert to? Did the noble Lord advert to the difficulties in which the superintendents were placed? Did he say, "I am anxious to define your authority; I know it is impossible you can proceed with advantage with the trade unless your powers are accurately understood?" The noble Lord adverted to nothing of the kind. He did not even turn the most cursory attention to any of the complaints made from time to time, but he assented to and confirmed the recommendation made in the last letter of Sir George Robinson, namely, the desire that the power of the superintendents should be extended beyond the port of Canton; and his first despatch of the 28th of May, 1836, said,

"I have to instruct you publicly to notify that the jurisdiction of the commission is to be extended so as to include Lintin and Macao; and that from the date of the promulgation of such notification the authority of the superintendents over British subjects and ships is to be considered as extending to Macao as well as Canton; and as being of equal force and validity within this extended jurisdiction as it has hitherto been within the limits of the port of Canton."

The hon. and learned Member for Exeter had showed last night that the superintendents had no power whatever in the port of Canton; and therefore the noble Lord, who must have known this, or ought to have known it, extended an authority which did not exist, and gave it equal force and validity with one which had no being, and the noble Lord did that after seventeen months' consideration! But, the noble Lord having exhausted himself with this first effort of official exertion, the noble Lord sank back into his accustomed lethargy. The noble Lord did upon the 6th of June, 1836, send another despatch with respect to the case of Mr. Innes, which, in a note to this voluminous mass of papers, was stated to be a case of no importance, except to show how necessary it was that there should be a jurisdiction of the superintendents at Canton. But no more was heard till after two more letters from Sir G. Robinson, and then these letters had been attended to. In the month of June there was a wonderful exertion on the part of the noble Lord, but an exertion perfectly unaccountable; for on the 5th of January, Sir G. Robinson having pointed out to him that his residence on board the Louisa had been productive of great advantage to the trade of China, and had been approved of by the Chamber of Commerce, the noble Lord, on the 7th of June, 1836, adverted to this circumstance. He could not say that Sir G. Robinson was wrong; he would not say that he was right; but he told him—

> "You are not, however, to understand, from what I have said above, that I disapprove of your having resided for some time at Lintin. So imperfectly informed as I am with respect to what can be stated for and against the step you had adopted, I am obliged to take for granted that your reasons for having adopted it appeared to you to be of sufficient weight to counterbalance the inconveniences attendant upon your having separated yourself from your colleagues, and having undertaken alone to carry on the business of the commission, without waiting to learn whether your Government coincided in your own particular views or not."

So that the noble Lord gave a faint praise to Sir G. Robinson, and a back-handed blow of censure, and then went on without the slightest explanation, under the pretence of economy (he thought he had a right to say), to remove a faithful servant—a gentleman of sixteen years' experience, who had performed his duty without any complaint. The noble Lord, on the 7th of June, removed him from his situation, and gave that situation to the present superintendent. The noble Lord said he had "abolished" the situation. What was Captain Elliot now? Was he chief superintendent or not? He had corresponded under that designation. Sir George Robinson was abolished, but the situation was not. [Lord *Palmerston*—6,000*l.* a-year was abolished.] 6,000*l.* a-year abolished? And how much had Captain Elliot? Would the noble Lord be kind enough to tell them that? [Lord *Palmerston*—3,000*l.* a-year.] The noble Lord had been pleased to interrupt him; but, granting that this was the case, he wanted to know what difference it made in the argument? He wanted to know why Sir George Robinson was removed under those circumstances, after he had faithfully performed the duties of his office under very trying circumstances? Not a word of thanks—not a word of expression of gratitude—they could hardly expect that—but not a word of the services of Sir George Robinson. But what was the first act of the noble Lord after Captain Elliot had been appointed chief superintendent? Still there were no defined powers—still no definite instructions. But it became necessary that Captain Elliot should act promptly and decisively in a matter of very great importance. It appeared that there was a steam-vessel called the Jardine, which had been denounced by the provincial government; there had been an edict against it. There was an intention on the part of the captain of that vessel to pass up the river to Canton, and the river was then full of shipping waiting for their cargoes. Captain Elliot believed, as he expressed it, that this might be exceedingly dangerous, that it would lead to great interruption and injury to the trade; and therefore, acting under the discretionary authority with which he thought he was invested for the protection of the trade, he required the captain not to pass up the river. What was the answer he received in consequence of that interference? One would have thought that, in a matter of so important a character, something would at least have been left to Captain Elliot's discretion; but the noble Lord in his third despatch rebuked Captain Elliot—

> "For interfering with the enterprise of British Merchants in that way, and begged he will be very careful indeed not to assume an authority with with which he is not invested by the order in Council."

Was Captain Elliot chief superintendent for the protection of trade or was he not? If he was such superintendent, could there be a more important exercise of his authority than to prevent the intrusion of a vessel which was under the ban of the empire, and the presence of which in the Chinese water was likely to be exceedingly prejudicial to the ordinary and regular trade of the port of Canton? He now come to the point which last night had been adverted to by the right hon. Member for Edinburgh, as to the course which Captain Elliot had pursued when he became chief superintendent. The right hon. Gentleman, adverting to the charges made by the present motion against the Government, spoke of the first question as being a charge of an attempt on the part of the superintendent, in pursuance of instructions, to force his residence at Canton; and the right hon. Gentleman stated last night, that in fact that charge fell entirely to the ground, inasmuch as that point had been conceded by the Chinese Government. He had no doubt the right hon. Gentleman believed that the result of the despatches and of the edicts to be found amongst the voluminous mass of papers before the House was such as the right hon. Gentleman had stated them to be; but he must take the liberty of correcting a very important error, into which the right hon. Gentleman had led the House in that respect. Most unquestionably it never had been, and probably never would be conceded that any person, superintendent or otherwise, should take up his permanent residence in Canton. The permission which was given to Captain Elliot was precisely the same permission which had formerly been conceded to the old supercargoes, and that this was the case he would show, by referring the House to the edict in question. It would be found at page 194, and contained the following words:—

> "It is, therefore, our imperial pleasure, that he (the superintendent) be permitted to repair to Canton under the existing regulations applicable to chief supercargoes, and that on his arrival at the provincial capital to be allowed to take the management of affairs. For this purpose the superintendent of Customs is hereby commanded to grant him a passport. In future he is to reside sometimes at Macao and sometimes at Canton, conforming herein to the old regulations; and he must not be permitted to exceed the proper time, and by loitering about gradually to effect a continued residence."

The right hon. Member for Edinburgh could not have read the edict, but had read only the letter of Captain Elliot, and thus he had fallen into the mistake which had induced the House to believe that the local authorities at Canton had given way on this most important point, and that the Emperor had permitted the continued residence of the English authority at Canton. The first point, therefore, remained just where it did when the right hon. Baronet, the Member for Pembroke, made his statement to the House. But with respect to the next question, that as to the direct communication with the viceroy, the right hon. Gentleman, the Member for Edinburgh, had again fallen into a mistake, for he had said that this point also had been conceded. It would be necessary for him to call the attention of the House to the circumstances under which the attempt had been made by Captain Elliot to accomplish that direct communication, but which attempt failed entirely through the interference of the noble Lord, the Secretary for Foreign Affairs. Now, how did Captain Elliot commence his overtures to the local authorities, for the purpose of effecting a direct communication with them? Why, in the regular mode in which that course had been pursued by the supercargoes of the East India Company, viz. in the form of a petition, and by reason of his addressing them in that humble, supplicatory form, the local authorities, who from the time of the death of Lord Napier had held no direct communication with the English superintendent, did place themselves in communication with him through the ordinary channels, the Hong merchants. Now, the noble Lord's instructions on the subject were entirely different from the course pursued by Captain Elliot. The noble Lord desired that no communications should be made through the Hong merchants; this mode of communication the noble Lord seemed to think derogatory to the dignity of the Crown, and, therefore, he desired that Captain Elliot should avoid communications in that indirect way, and desired him not to approach the viceroy in the form of a petition. The despatch of the noble Lord, to which he alluded, was dated the 12th of June, 1837, and was to be found at page 149. In that despatch the noble Lord said—

> "I have received your despatch of December the 30th, 1836, detailing the particulars of a communication into which you have thought proper to enter with the authorities of the Chinese Government at Canton, through the Hong merchants; and I have also received your despatch of January the 12th, 1837, in which you state the course you intended to pursue until the arrival of further instructions from this department. I have now to desire that, upon the receipt of this despatch, you will forthwith inform the Hong merchants and the Viceroy that his Majesty's

Government cannot permit that you, an officer of his Majesty, should hold communications with an officer of the Emperor of China through the intervention of private and irresponsible individuals. You will, therefore, request, that any communication which the Governor may have to make to you in future, may be sent to you direct; and that the Governor will consent to receive directly from you any communications on public affairs which the interests of the two Governments may require you to make to him. You will also explain, that if, in future, your written communications should not be endorsed with the character which is usually adopted by subordinate officers in China when addressing representatives to superior Chinese authorities, this alteration will not arise from any want of respect on your part towards the Governor."

Now, the noble Lord had known, as early as June, 1835, of the great danger, unless this particular form of address was adopted, that the statements would not reach the local authorities, and yet the noble Lord in defiance of that information, had chosen to press on Captain Elliot not to adopt the only mode he had of opening a communication with the local authorities. But Captain Elliot disregarded these instructions, and did address the local authorities in the proper way and according to their views; he humoured their foibles, which the noble Lord was not disposed to do, and in that way procured great concessions from the local authorities; in short, they conceded to him the right of direct communication with the governor, and ultimately of communication by sealed letters with two officers of rank. This state of things, however, only continued until the arrivals of the despatch of the noble Lord, whose mind seemed to be harrassed with apprehensions as to the obnoxious word "pin," and would not permit that course to be followed. The House was well aware that Captain Elliot in vain attempted another mode of address, and the consequence ultimately was, that he struck his flag at Canton, retired to Macao, and communicated to the noble Lord that the entire trade was interrupted by this petty form of ceremony. The noble Lord, however, still persevered in entreating Captain Elliot to procure the adoption of some mode of communication without having recourse to the word "pin." This was the position of things with regard to Captain Elliot, and nothing further was done until the unfortunate opium question broke out, when Captain Elliot found it necessary to adopt that very form of communication to which the noble Lord had objected, and in that way Captain Elliot had contrived to re-open the communication which permitted his return to Canton at that time. Now, he begged to ask hon. Members whether, having arrived at this part of the question, the documents before the House did not show that no powers were given—no instructions were afforded—no measures were adopted by the noble Lord, to assist and direct the superintendent in the novel and difficult situation in which he was placed. If any hon. Gentleman could show that any information, any definition of the powers vested in the superintendent, had at any time been given by the noble Lord, then he would admit, that the noble Lord might be defended, but no such definition, authority, or explanation was to be found in these scanty and meagre—he used the words of the right hon. Member for Edinburgh—despatches; there was nothing to be found in them which could afford the slightest justification in the noble Lord, or induce any person not embued with party feelings to believe that the noble Lord had paid that careful attention to the affairs of China, and especially to the duties cast upon the British superintendent there, which he ought to have done. He agreed with the right hon. Gentleman, the Member for Edinburgh, that where there was a Government established with known powers and authority, and that Government was located at a considerable distance from the mother country, it was not desirable that the Government at home should interfere with every particular minute detail which might arise, and that it was therefore better to trust to the discretion of the person invested with authority abroad, than for the Government at home to interfere, except in cases of great emergency. But that was not the case now before the House. In China there was no established English authority or government; the British functionary there had no defined powers. For, in this instance, the absolute necessity of occasional communications with the local authorities had arisen; the time had arrived when at least something ought to have been done. Surely hon. Gentlemen could not consider the slightest analogy existed between the case of an authority created in 1832, and which was afterwards to have been invested with powers which were over and over again solicited, and the case of the non-interference of a government established like that of India. What he and others on his side of the House complained of was, that the noble Lord had pursued, in this instance, his darling system of non-intervention; that he had not at any time given this authority an opportunity of knowing how he was to act; that he had not given him the benefit of his counsel and advice, and, therefore, they had established the first position; viz., that the noble Lord had not given instructions adapted to the novel and difficult position in which the British superintendent was placed. He next came to the point to which alone the hon. Member for Lambeth had adverted—he meant the opium question—and he believed he might venture to say, that with respect to the opium question, there would not be found one word of any sort of instruction respecting it, beyond the mere allusion in one of the letters sent to Captain Elliot about something Captain Elliot never demanded, and with respect to which he was not anxious for information, and which stated that the Government would not consent to give facilities to enable smugglers to evade the Chinese laws. Now, the first time the attention of the noble Lord had been called to the opium trade was by the edict of November, 1834, which was received by the noble Lord in May, 1835, and was to be found at page 77. It seemed to him to be quite clear, that if Captain Elliot had continued on that friendly footing of intercourse which he had established with the local authorities, and which had been disturbed by the noble Lord, he might, with the co-operation of the Chinese government, have succeeded in putting down the opium trade; but the position into which Captain Elliot was forced by the noble Lord's pertinacity on the subject of the mode of address, prevented the only chance of accomplishing that important object—important not with regard to that particular species of trade, but important because that traffic affected deeply and intimately the regular trade with China. On this subject there was a remarkable letter from Sir George Robinson, in which that officer stated, that if he had any authority from the Government, he could immediately stop the traffic in opium. Was that true or was it not? The right hon. Baronet, the President of the Board of Control, said it was not. How did the right hon. Baronet know? At page 120, would be found the letter in question, in which Sir George Robinson stated,

> "On the question of smuggling opium I will not enter in this place, though, indeed, smuggling carried on actually in the mandarin boats can hardly be termed such. Whenever her Majesty's Government direct us to prevent British vessels engaging in the traffic, we can enforce any order to that effect. But a more certain method would be to prohibit the growth of the poppy, and the manufacture of opium in British India. And if British ships are in the habit of committing irregularities and crimes, it seems doubly necessary to exercise a salutary control over them by the presence of an authority at Lintin."

Though he suggested a mode of stopping the opium trade at which the right hon. Baronet smiled, still Sir G. Robinson distinctly stated he could put down the traffic in opium if the Government would give him powers to do so. He therefore contended, that at least some experiment ought to have been made by the noble Lord. No attempt had been made; neither had there been any allusion made by the noble Lord to the subject beyond the casual observation to which he (Mr. Thesiger) had already adverted. He must, however, now beg to call the attention of the House to that part of this lengthy correspondence with regard to the opium trade upon which the right hon. Gentleman the Member for Edinburgh descanted at some length last night. The right hon. Gentleman had said that the reason why the Government did not interfere was, because, from certain letters received from Captain Elliot the Government was disposed to think there was an intention on the part of the Chinese Government to legalize the traffic in opium. It was true that such a letter had been received at the Foreign-office on the 22nd of August, 1837, but he (Mr. Thesiger) thought he was justified in this observation, that on the 15th of May 1838, all hopes of that kind had been entirely removed; for if hon. Members would look to page 233, they would find four very strong edicts against the opium traffic, and at page 242 a letter of Captain Elliot's received the same day at the Foreign-office, in which he drew the serious consideration of her Majesty's Government to the subject and added, "that the moment has now arrived when its active interposition was necessary." Again at page 247 there was another very important letter, in which Captain Elliot informed the noble Lord—

> "The trade is proceeding tranquilly for the present; but the vast opium deliveries at Whampoa, under extremely hazardous circumstances, may certainly at any moment, produce some grave dilemma."

And in other letters, with which he would not fatigue the House, Captain Elliot pointed out the same state of things. On the 5th of February, 1838, Captain Elliot communicated that the regular trade was stopped; and then came the memorable despatch of the noble Lord, of the 15th of June 1838, in which for the first and last time any mention was made of the opium trade. The noble Lord's words were these—

> "With respect to the smuggling trade in opium, which forms the subject of your despatches of the 18th and 19th of November and 7th of December, 1837, I have to state that her Majesty's Government cannot interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade."

Did not that document exhibit a most anxious desire that the Government would adopt some course for arming the superintendent at China with some sufficient power and authority to follow out the course which was indicated by Sir George Robinson, when he said that if he were vested with the power he would put down the illegal traffic? On the 28th of April, 1838, Captain Elliot stated in a despatch that the contraband traffic rendered matters so dangerous, and placed the legitimate trade in such hazard, that some interposition was absolutely necessary. And on the 13th of December, in the same year, Captain Elliot proceeded to state, that in consequence of directions given to the Hong merchants there was a cessation of business for three days, and this was consequently followed by an event which, according to the words of the despatch, put to "imminent hazard the lives and property of the whole foreign community." The occurrence to which he alluded was the attempt made to strangle a native who had been found trafficking in opium. The execution was ordered to take place in the square in front of the factories, which so excited the indignation of the foreigners that they prepared to resist it. Let the House now attend to the despatch which the noble Lord the Secretary for Foreign Affairs had transmitted in reply to those communications. It was to be found in page 325, and was as follows:—

> "Foreign-office, April 15, 1839.—Sir—Since the despatch of February 27 was written, your despatches of the 2nd and 13th of December, 1838, have been received. I reserve any observations or instructions I may have to send or make to you on the subject of your despatch of December 13, till I receive the further ones which you announce your intention to send. These accounts will probably contain all the information that may be requisite for enabling her Majesty's Government to form an opinion upon the proceedings that have occurred at Canton, and which appear by intelligence to the 31st of December contained in the London newspapers of this morning, to have ended in a satisfactory manner; but should you however, not have stated the point specificially, I wish to be informed whether the foreigners to whom you allude in your despatch as having resisted the intentions of the Chinese authorities to put a criminal to death in the immediate front of the factories, were British subjects only, or the subjects and citizens of other countries also. I also wish to know upon what alleged ground of right these persons considered themselves entitled to interfere with the arrangements made by the Chinese officers of justice for carrying into effect, in a Chinese town, the orders of their superior authorities.—I am, &c,
>
> "PALMERSTON."

From this it would be seen that the noble Lord, having received important despatches respecting the dangers arising from the contraband traffic in opium, instead of sending out instructions or expressing an opinion as to what should be done under the circumstances, referred to the newspaper accounts, and declined to interfere because these accounts announced, that the affair had been settled. For his part, he could not conceive a more extraordinary course than this. Was that the sort of despatch to be forwarded at a time when Captain Elliot found matters in such a position that he felt himself compelled to break through the instructions given by the noble Lord, and to adopt the style of communication insisted on by the Chinese authorities, proceeding to Canton to perform the important duties which the emergency demanded on his own discretion? Was it not strange, that such a communication as the one sent by Captain Elliot did not awaken the noble Lord to the dangers which impended, and urge him to adopt some means of averting them? Whilst things were in this state the high commissioner Lin arrived. It was unnecessary to go into the circumstances attendant on his arrival, which must be fresh in the memory of hon. Members. The commissioner proceeded to execute the important duties intrusted to his charge. The result was the imprisonment of Captain Elliot, the delivering up of a vast quantity of opium, and all the disastrous events which followed, and which continued up to the last accounts. The hon. Member for Portsmouth stated, that he was prepared to vote against the resolution in consequence of the course which had been pursued by the Chinese authorities—that these authorities had exhibited so much vacillation, and had for so long a time shown such forbearance to those engaged in the trade, as to be almost equivalent to a sanction of it, and that the Chinese Government had acted with great cruelty in putting to death a person who was engaged in the contraband trade, of which no similar instance had ever before occurred. Now, he could see no vacillation in the conduct of the Chinese authorities with respect to this trade. He saw nothing in the entire proceeding which did not lead to the conclusion, that an end was intended to be put to the illicit traffic. It was obvious, that the attention of the Chinese Government was directed to this object from the issuing of the edict of 1834 to the appointment of the high commissioner. It appeared to him, that the Chinese Government were under the impression, that the orders which had been sent to Canton had been obeyed, and when it was found in 1838 that such was not the case, the high commissioner was sent with plenipotentiary powers to take ample measures for putting an end to the trade. Where, then, was the vacillation, or where was the cruelty which the hon. Member for Portsmouth alleged as inducing him to vote against the motion? He did not approve of the infliction of extreme punishment for trifling offences; but it should be remembered, that in our intercourse with China we were dealing with a nation which the right hon. the Secretary at War called a barbarous nation, but which had a right to execute its own laws in its own way on its own subjects. These were the circumstances which brought us into the unhappy position in which we were at present placed with respect to China. It had been asked by the right hon. Member for Edinburgh, and the question was repeated by the hon. Member for Lambeth, what was to be done if the traffic in opium had been driven from Canton to the other coasts? and it was added, that such a result would lead to an extensive system of piracy and buccaniering. Was that an argument against relieving Canton from the danger which threatened the free trade in consequence of the illicit traffic? Were they to run such a hazard for fear of a contingency? He did not think that the House could entertain any fair doubt, that the whole of the disastrous results which had taken place arose out of the want of caution, prudence, and foresight in the Government at home not having furnished adequate instructions and ample power to the superintendent to suppress the unlawful traffic which was carried on. It could not be denied, that the absence of definite instructions led to the war in which we were now about to engage with China. Was that war a just one? He should not be afraid to meet that question. He was ready to contend, that the Chinese authorities were justified in the course which they had adopted. They looked to our superintendent for the suppression of the trade which their Government had interdicted, and called upon him to deliver up the opium, and his answer was, that he had no power to compel the delivery. They appeared to be surprised at this. A simple and unsophisticated people, they could not understand, that our superintendent, deputed officially to superintend and control our trade at Canton, should be left without the power to perform his duties. They did not believe that this was the case. They therefore resorted to the course to which all foreigners were exposed, and which had frequently before been adopted. They put the superintendent under restraint. [An hon. *Member:* He put himself.] Well, be it so. Having been put under restraint, the superintendent requested, that the opium should be delivered, and the request was complied with. Did not that justify the Chinese in believing, that he was vested with the power which he previously denied that he had possessed? How could they come to any other conclusion? Whilst the superintendent was at liberty, nothing would be done; but the moment he was put under restraint the opium was delivered up without any objection. It might be said, that this was done at the request, and not at the command, of the superintendent, but the people of China did not comprehend these fine distinctions. They merely judged from the facts, and thus judging, he thought they were justified in the course which they had adopted. No doubt there might be some cruelty in the conduct of the Chinese Government to their own subject who was caught in the illicit traffic, but was that a cause for engaging in a war the issue of which it was impossible to foresee? One thing at least was obvious—namely, that the expense which it must entail would be enormous. In the present state of our revenues, nothing would justify a war but absolute necessity. Was this war the consequence of inevitable necessity? On the contrary, did not the present state of things arise out of the carelessness, the neglect, the want of caution, of prudence, and of foresight on the part of the Government, and when those on his side of the House were asked what they would have done under the circumstances, his answer was, that they would have acted in a manner totally different. They would have sent out definite instructions to the superintendent, enabling him to act with full authority in all circumstances connected with the trade, and thus have prevented the fatal war which threatened. Fatal, he called it, for he feared it would be found so from one extremity of the empire to the other, and from the highest to the lowest classes. He was fully satisfied, that the evidence in the papers laid upon the table fully warranted the motion of the right hon. Baronet, and he should give it his concurrence and support.

Sir *George Staunton* rose to explain. He had stated that the grounds on which he opposed this motion were that he could see no connection between the rupture with China and any act of omission or of commission on the part of her Majesty's Government. The hon. and learned Member had also misunderstood him relative to the conduct of the Chinese government. He did not object to the sanguinary laws to be administered by Mr. Commissioner Lin generally, but he did object to such sanguinary laws being acted upon retrospectively against those who had come to China on the faith of the old law. The hon. and learned Gentleman had also stated, in reference to the British subjects, that they had always been under restraints or restrictions, whilst he believed that there had been no instance of such restriction for at least two hundred years.

Mr. *Charles Buller* would not follow the hon. and learned Gentleman (Mr. Thesiger) through his lengthened examination into the blue books, nor would he make upon that examination many comments; he would rather wait to hear what the right hon. Baronet, the Member for Pembroke, would say to the declaration of the hon. and learned Gentleman, that the whole of the evil had its origin in the instructions sent out to Lord Napier when the right hon. Baronet was himself a Member of the Government. [Sir *James Graham:* That was six years ago.] Six years ago be it. But the hon. and learned Gentleman said that those instructions, given six years ago by the Government of which the right hon. Gentleman was a Member, were the origin of the evils that had since arisen. He hoped also that the noble Duke (the Duke of Wellington) had some defenders in that House that would undertake to defend him from the learned Gentleman's charge of great negligence, and of a great want of humanity. The hon. and learned Gentleman's charge was, that no answer had been given to a despatch for seventeen months except the despatch of the Duke of Wellington. There was but one despatch sent out by the Duke of Wellington, and that single despatch only referred back to the instructions given long before by Lord Palmerston; and when hon. Gentlemen opposite praised the noble Duke, and contrasted his conduct with that of the noble Lord (Viscount Palmerston), they forgot that it was while the noble Duke was in the administration, and when he wrote that single despatch, that the despatches were received which brought the sad tidings of the death of Lord Napier; and if any one was called upon, the noble Duke was called upon, to pay that tribute of respect to the memory, and to say something sympathising with the untimely death of Lord Napier, so eloquently suggested by the learned Gentleman. For six weeks the noble Duke remained in office after that news arrived, and yet not one word of confidence did he express in the policy or sympathy for the sufferings of the unfortunate Lord. But he thought that they might all have been guilty of the want of humanity, and have let Lord Napier sleep quietly in his untimely grave rather than rake up his memory for mere party purposes in a party debate. And as the learned Gentleman was a new Member, and he was somewhat older, he would give him one hint, that when he flung out personal insinuations against individuals, he should study a little the character of those against whom he threw them out, or they would fall harmlessly. If he could throw out one charge which would be perfectly harmless, it was the charge of lethargy against the noble Lord, the Minister for Foreign Affairs. The noble Lord had been often abused on one side of the House as well as upon the other, but the last charge which could be brought against the noble Lord was the charge of lethargy, or the charge that he had not done enough. His hon. and learned Friend had put this in a forensic point of view; he had endeavoured to get rid of the charge in what he must call an Old Bailey manner. The whole of his argument was, "Why should we say what you ought to have done—who ever heard of a prosecutor tell the man indicted what he ought to have done?" Did the hon. Gentleman who used this argument recollect that he had said, only the minute before, that the charge against the present Government was for sins of omission? They were charged only with omissions; and when hon. Gentlemen opposite came forward to make this charge, they did not—even one of them—did not condescend to tell them what they had omitted to do. This charge against the motion seemed to be felt much by hon. Gentlemen opposite. The hon. and learned Member for Exeter, through the whole course of his speech, complained of the eloquence with which his right hon. Friend, the Secretary at War, had, by bringing before the House the great and general bearings of our relations with China, evaded the question involved in the motion then before the House. It might well be so; for the motion itself was nothing but an evasion of every question that ought to be brought before them. He certainly concurred with the right hon. Baronet in his view of the magnitude of the national interests involved in the policy which this country might now decide in adopting, as well as of the great delicacy and difficulty of that decision. We were now in a crisis in which we must either lose for ever, or for a long time, the very large and lucrative trade that had for more than a century been carried on with China, or turn the interruption that had taken place to such account as to enable them to place that trade on an entirely new, secure, and progressive footing, and lay the foundation of those mutual benefits that must result from a really free intercourse between this country and three hundred millions of civilised and industrious people. He was also inclined to concur with that right hon. Baronet in feeling some doubt as to the result of the hostilities in which we were now involved with those three hundred millions; though it was not easy to determine whether our difficulties were the more likely to arise from our having miscalculated the strength or the feebleness of an enemy—whether, if we are to be foiled, it will be by the great military resources which the immense population and wealth of China may bring into action, or by the passive endurance of the people—or whether, on the other hand, the first blow struck by us might not bring down the whole fabric of its corrupt and anti-national despotism, impose on us the necessity of conquering another empire larger than India, and bring us into collision with all those foreign powers who would not look on quietly while we made ourselves masters of more than half the whole human race. These were grave considerations; and he thought that the country had a right to complain—not of any expression of opinion as to the best mode of acting now, or heretofore—for if any one doubted either the policy or the justice of the course hitherto pursued with respect to the Chinese, if he thought we had been wrong in our past behaviour to them, or if he disapproved the measures contemplated at present, he should be the last man to complain of his frankly stating his objections and developing his views of the policy which ought to be adopted. But he did think that the country had a right to complain that in such a state of affairs a great party like that opposite used the occasion for no purposes but those of personal ambition and animosity. Throwing aside every one of the great questions involved in our relations with China, suggesting no course for our adoption, committing themselves to no principle of action, but concentrating all their energies on the unworthy purpose of bringing these great interests to bear on their own paltry party squabbles, they had, in fact, brought the great question then in discussion down to such a level, as to have literally no bearing or any result except that of which party in this country shall have power. He thought that the House had a right to complain that the right hon. Baronet in his anxiety to catch as many votes as possible, and to commit himself, and those who voted with him, to as little as possible —to swell the number of his supporters here or out of doors with a number of those very honest and benevolent persons who look with great disapprobation on the opium trade, and are very averse to war with China, and at the same time not to alienate the very large body of persons interested in the China trade who think that our Government must now make use of forcible means to obtain idemnity for the past, and to place our intercourse with China on a free and secure footing, had so framed his motion as to avoid all expression of opinion as to the opium monopoly of the East India Company, or the opium trade, the character of the measures adopted by the Chinese government for the suppression of that trade, and the propriety of our adopting coercive measures in consequence, and that thus excluding from consideration every matter worthy of the attention of the House, he had brought down the affair to this mere purposeless, party attack, which could have no useful practical effect on the settlement of our relations with China, and which was a mere waste of the time of the House by a repetition of the non-confidence vote of his hon. relative, the Member for Devon (Sir J. Buller), which the House negatived at the beginning of the Session. He would not, however, deny that when they had determined what course ought to have been and ought now to be adopted, it might be well worthy of inquiry whether her Majesty's Ministers might have foreseen the difficulties that had arisen, and might, by adopting the proper course in time, have averted them. But, then, those who take this line were bound to show what precautions would have had the desired effect. There was a mighty difference between foresight and precaution, particularly when it was this purely retrospective foresight. He was aware that this term was a bold innovation upon the English language, but he must either use that or coin a new word, and call it "back sight." It was a retrospective foresight that enabled the right hon. Baronet to predict what was passed, and to warn them against dangers that had already been incurred. But giving the right hon. Baronet the benefit of all his *ex post facto* foresight, what use would he have made of it? Foreseeing all things, what would he have done to bring about a different result? This was what he ought to tell them; but this was what had not been vouchsafed to them, either by the right hon. Baronet or by any of those who had followed him in his course of vague inculpation. Of powers and instructions they talked boldly enough, but it was always of some powers and some instructions, without letting them know what. Before they blamed Ministers for what they did do, or did not do, let them show what they would have done in their places, and that would have prevented the mischief that actually occurred. Indeed, he thought the fair thing would have been for the right hon. Baronet, in order to enable them fairly to contrast his vigorous and foreseeing policy with the actions of those who kept him out of office, to have laid on the Table of the House previously to the debate copies of all the despatches which he would have written to Captain Elliot, had he been Foreign Secretary instead of the noble Lord. He trusted the House would excuse him, if before attempting to rebut the inference which the Gentlemen opposite had drawn from the papers before them, to state in a few words the conclusion to which he had come after a minute attention, not only to the papers laid before Parliament, but to every other recent publication connected with this matter, or with China, that he could get hold of. His hon. Friend the Member for Exeter, when he desired him, in consequence of some interruption he gave him, to read the "Blue Book" over again, could not have known the cruelty he was inflicting, for he had already read it three times, or his hon. and learned Friend would not have had the heart to sentence him to a fourth perusal, and he doubted whether, if he had complied with his hon. Friend's directions, anything fresh would have struck him. The conclusion at which he had arrived after the perusal was, that no sagacity on the part of her Majesty's present Ministers could have averted or even staved off what seemed to him to be the inevitable consequences of free trade with China established on the footing on which we placed it in 1833. As the business had turned out, and as the noble Lord had not prevented results which he believed it was utterly impossible for any human sagacity in his place to avert, the noble Lord could lay claim to no merit except that which was after all a very great, though not very brilliant one, of having prudently avoided making matters worse than they were made by events over which he had no control. But he could safely affirm, that the more he had attended to his conduct as developed in these papers, the more decidedly did he think that he deserved no blame. He could point out no material instance in which he could on reflection say, that either by acting differently, or by prescribing a different course to those under him, the noble Lord could have brought about more desirable results. Faults there had, undoubtedly, been on both sides, for he must frankly say, that he was by no means convinced that the Chinese had been the only parties to blame; but the faults on our side had been faults of the general policy pursued by us as a nation. Our error dated from that period, when, having determined to throw open the trade with China to all our countrymen, we left it on a footing in which it was utterly impossible for it to continue with either honour or security. He would not say that we were wrong in taking away the East India Company's monopoly of the China trade; but if we were right in that, we were very wrong in not perceiving that that step was calculated to disturb all our existing relations with the Chinese, and we were wrong in not making that complete change in our whole mode of carrying on the trade which ought to have accompanied the one that we did make. He must confess that when he looked back to the change which we made in 1833, and considered the footing on which that change placed our relations with the Chinese, he could not but regret that our information at that time was so incomplete that we did not perceive that continued and serious collision must be the immediate result of the position in which we placed ourselves. In speaking of the exclusion of foreigners by the Chinese government, we were in the habit of talking of it as if it emanated from a mere attachment to old customs and an illiberal contempt of other nations; and if we did them the justice even to attribute it to their fears, we traced those fears to the childish tale of some ancient prophecy of the Chinese empire being overturned by a woman of the red-haired race. Now, foolish as he considered the precautions which the Chinese take to avert the danger that they apprehend, he by no means regarded their fears for themselves as chimerical or absurd. Experience had taught them, undoubtedly, to fear the aggressions of foreigners, inasmuch as they had often been overrun by them; and if they now pointed these apprehensions at Europeans, and especially at the English, which of them would say that they had not great reason to suspect us of aggressive designs? There had been much to strengthen that suspicion. The fall of the dynasties in the East were not unknown. It had not been unheard of how one of the mightiest dynasties that ever filled the thrones of this world had fallen before us. At the court of Aurungzebe a few merchants had suddenly asked permission to establish a trade in the distant parts of the territories, and the Chinese knew well that the last descendant of that ancient dynasty was now a pensioner of the successors of those very merchants. Was it not, then, perfectly natural that the Chinese should viewwith alarm any change that appeared, as if the factory of Canton were to be the germ of aggressions visible to those that had subjugated India? In the first place, the very fact of change was in itself a ground of suspicion in the eyes of the eminently conservative government of China, and then the nature of the change was just such as would inspire vague fears of aggression. The Chinese had got accustomed to the East India Company. Its officers pretended to no public capacity. They came as humble merchants, put "Pin" upon their letters, and kept the trade in a very jog-trot, though advantageous, state. Suddenly we chose, why or wherefore the Chinese knew not, to make an entire change in our system. The East India Company ceased to trade, and in place of their mercantile supercargoes, came men claiming to be officers of another and an equal government, and who, in fact, put forward claims on points of form that the Chinese very naturally regarded as only the commencement of more serious encroachments. Surely that House could not pretend to blame the noble Lord for such consequences. The change in our system was adopted not merely by a Ministry, but by the deliberate decision of the Legislature. In spite of the most emphatic warning, Parliament abolished the supercargoes. Parliament vested their authority in the hands of King's officers, instead of mercantile agents; and the noble Lord, in sending out a superintendent, with instructions to get into direct communication with the Chinese authorities, merely discharged the duty imposed on him by Parliament. These changes, however trivial they appeared to the House, were regarded by the Chinese as serious encroachments; and the opening of the trade was accompanied with other natural consequences, which gave the Chinese government more serious cause for alarm. The number of European ships, merchants, and seamen rapidly increased. The contraband trade in opium was suddenly augmented; those who carried it on became more daring, and their ships, instead of waiting at Lintin, were seen on various parts of the coast of China. Even more suspicious events occurred. It became known to the Chinese government that a more daring attempt had been made to break through all the established restrictions on European intercourse; that two ships had visited various parts of the whole coast; had attempted to open a trade with the inhabitants; and had also circulated missionary tracts in the Chinese language. Another of those circumstances that gave rise to suspicion was the vast increase of foreigners into the Chinese dominions, not from one point only, and not alone from the sea-coast, but various travellers had attempted to go over the pass of the Himalaya Mountains, and thus to enter Chinese Tartary; and, though they had been stopped, yet no doubt the fact was well known to the Chinese. This of course had nothing to do with the opening of the trade; but all these circumstances, many of which were the natural results of it, and all contemporaneous with it, were calculated to excite the utmost possible degree the alarms of the Chinese. He might say, therefore, that the opening of the trade necessarily brought us into collision with them, by thus acting on their jealousy of our aggressive design. There were two causes, he conceived, which had led to the existing hostilities. The first was the absence of any means of communication between our merchants and the central government of China, and the necessary confinement of our negotiations to the provincial authorities, who would afford no proper redress; and the ill effects of this circumstance were distinctly and very plainly shown recently, in the proceedings with regard to the opium trade. If they took the public acts of the court of Pekin, they would perceive that there could not have been a greater desire manifested to put down a trade, than was exhibited by them, from the year 1836, down to the time of the commencement of these hostilities; but there were other acts of the provincial authorities which completely nullified everything which was done by the superior power, for as fast as the government of Pekin gave any sign of an intention to put down the traffic, so certainly did the provincial government give some evidence of its determination to maintain it. The government of Pekin actually put down the traffic at one stroke between Lintin and Canton, but the viceroy of Canton substituted himself for the other opium smugglers, and instead of allowing the traffic to be carried on by the boats, carried it on himself. [Sir *J. Graham:* That does not appear in the papers.] It did not appear in the papers it was true; but it was distinctly stated in Mr. Lindsay's pamphlet, and it was shown that the viceroy himself took up the trade, so that in point of fact the whole affair bore the aspect of a juggle among the Chinese authorities, the only effect of which was to throw a larger share of profit into the hands of the governor. Nor was the opinion which he had expressed founded only on the fact to which he had alluded; but it was backed by the authority of an article in a work which he thought would be admitted by hon. Gentlemen opposite —he meant the *Quarterly Review*— which was supposed to have emanated from the pen of a person in this country the best acquainted with the affairs of China; and that said, that it was impossible for this country to maintain any friendly relations with a country which would not permit any diplomatic interference. He would venture to say, that the second point was yet more remarkable in the intercourse of nations than the first. He alluded to the fact of the presence of the English and other foreigners at Canton, and the principle of their conduct, that none of them were amenable to the laws of the country. This might do in cases where none but savages existed, but from what he could see in these papers, it appeared to him, that the Chinese, with all their faults, had a regular administration of justice. That it was a corrupt administration of justice, he granted, but at the same time it was regular. The best laws of modern Europe were obtained from a country where their administration was most corrupt—the Greek empire, and it was impossible to suppose that a government like that of China would ever tolerate the presence of foreigners who professed and declared that they would not acknowledge their laws. He said, therefore, that these two causes might have tended to produce a collision between the two countries. In the time of the monopoly of the East India Company there was a different state of things in existence—there was a restricted trade, and all was under the control of that company. But still he warned hon. Gentlemen not to rely too much upon the occurrences of those times, because after all there were frequent interruptions to trade; and then there never was a homicide committed in China but some disturbance, some quarrel arose, and generally the trade was for a time stopped. The company, by reason of their monopoly, had it fully in their power to cause the suspension of commercial intercourse; but now a free trade existed, and it was impossible for anybody, by his own exertions, to put a stop to the existing trade. But after all, this reminded him that he ought to take rather a retrospective view of the question, and keeping in mind the boasted foresight of the right hon. Baronet, he should allude to the subject of the resolutions brought forward by the hon. Member for Portsmouth (Sir G. Staunton), not only in compliment to that hon. Baronet, but with feelings of deep humiliation at the obstinacy evinced by the House of Commons in reference to his proposition. The hon. Baronet had produced the six resolutions, to which the right hon. Baronet opposite had averted. He mentioned all the circumstances of the case convinced of the impossibility of our continuing our relations with China without the means of a diplomatic communication taking place with the government of Pekin, and of the difficulties which must arise from their law upon the subject of homicide, and he said, that if he threw open the trade, they must adopt one of two alternatives—they must either send an ambassador over with a view to our establishing diplomatic relations with the government of Pekin, or they must withdraw from the continent of China, and must establish themselves on some island near the coast, and carry on the trade in such a way as should relieve them from the difficulties which it must be seen would inevitably arise. When the hon. Baronet brought forward that motion, he had not spoken five minutes before the House was counted out. Upon a subsequent occasion, he again moved the resolutions, solely with a view to their being placed on the votes of the House; but on what terms was it that he did so? That he should not say one word upon them; that the seconder of the motion should say nothing, and no one else was to say anything. To these resolutions the right hon. Baronet opposite, with all his foresight, and all his precaution slumbering in his breast, gave no sign or word of encouragement; they were read; not a word was said upon them, and they were negatived without a division. He was exceedingly sorry that the collision which had taken place, and which he considered to have been rendered absolutely inevitable by the course of events, should have been caused by the opium traffic. It would have appeared natural that men possessing any foresight—he pretended to none—but he thought that hon. Gentlemen opposite, who claimed some credit for it, should have anticipated the events which had occurred, and should have said, that a great contraband trade existing, which in a great measure regulated the exchanges, and being more likely to increase rather than diminish, care should be taken that no difference should arise out of it. He repeated his most sincere regret that the cause of quarrel should be in anywise connected with the monopoly of the East India Company in the trade in opium; for, if it were not so connected, we should not have the appearance in the eyes of the world of being dragged into a dispute on account of a traffic carried on for the purpose of introducing into China an article manufactured by that country to suit the Chinese taste. He called upon the House, however, not to charge all the mischief which had occurred upon the Ministry, They did not create the monopoly, for there never had been a monopoly more openly established, or more deliberately sanctioned by this House. The gravamen of the charge on the other side, however, was, that the Government might have put a stop to the opium trade, and he wished particularly to refer to two passages which had been alluded to in the course of the debate upon this subject, by hon. Gentlemen on the other side of the House, which sufficiently showed the spirit with which they made their quotations. Captain Elliot and Mr. Davis had both pointed out the nature of the opium trade, and these were both looked upon by hon. Members opposite as warnings in reference to the future conduct of the Ministry; but he must say, that, if ever there were despatches which were not entitled to the character of warnings, they were these. A quotation from a despatch, to be found in page 76 of the Blue Book of Mr. Davis, containing an edict of the Chinese government, issued at the end of the year 1834, was made, and this was followed up by the right hon. Baronet, by the hon. and learned Gentleman, the Member for Exeter, and by the hon. and learned Member for Woodstock, with remarks tending to show that it was a warning to the Government. Mr. Davis wrote a despatch upon the subject of this very edict, and a portion of a paragraph which was contained in it was in these terms:—

> "It [illegible] almost needless to observe, that previous documents of the nature have proved entirely nugatory, and that the opium trade, at last, has continued in spite of them. It remains now to be seen, whether the native government, having its attention at length awakened by the increased amount of smuggling transactions, consequent on the open trade of this season, will endeavour to give greater efficacy to its edicts, and oppose some effectual impediments to the contraband commerce of Lintin."

It was contended, that the last sentence answered the first; but what was the general effect of the despatch? It was, that an edict was sent, forbidding the continuance of the opium trade; that similar documents had hitherto been mere matters of form; that he was not sure whether that which was now published would be so too; and that they should wait to see. [Viscount *Sandon:* Not five years.] He was talking of the despatch; and, from the terms of the quotation, the noble Lord might fairly have concluded—as, for the next two years, he had heard nothing more of the edict—that, in fact, it had been as nugatory as those which preceded it. Another despatch on which great stress had been laid, was that of Captain Elliot, dated the 19th November, 1837, in which he called the attention of the Government to the aspect which the trade was then assuming. Captain Elliot alluded to the time at which it was fit that the interposition of the Government should take place, and what was the effect of his suggestions? Some attention must of course be paid to them, but he must say, that if ever there was a despatch leading the Government to any point but that of suppressing the opium trade, it was this. Because, what did it recommend as to the practical mode of interposition? That they should take steps to put down the growth of opium?—that they should give him the power to put down the traffic at Canton? No; but that the Government should take measures for legalizing the trade, and should send an ambassador to Pekin to endeavour to secure this object. Now, as to the good effect with which this suggestion, supposing it to have been favourably entertained by the noble Lord, the Secretary of State for Foreign Affairs, might have been attended. The despatch was received on the 15th of May, 1838. Supposing the noble Lord to have acted with the greatest possible promptitude—that he had immediately engaged with some person of sufficient weight and intelligence to undertake the mission—was he going too far when he said, that the preparations necessary for such an expedition could not be completed, and the ambassador could not arrive at Pekin, taking the chances of the voyage into consideration in less than a year after the date of the despatch? Then, what effect would the promptitude of action of the noble Lord have produced? The ambassador would have arrived at Pekin to treat for the legalization of the opium trade, just as Commissioner Lin had confiscated the whole of the British property in Canton, and had driven the British residents from that place. There was another course, however, which it was suggested the Government might have adopted, which was, that they might have taken measures to put down the opium trade, and upon this point the hon. and learned Member for Exeter had, as far as regarded the river smuggling, been precise. He said, "You should have given Captain Elliot power to put down the contraband trade, which was known to be going on at Canton." He must say, that he thought that a Government which had done such a thing would have been guilty of an act of the greatest insanity. Were they to consider what was desirable, or what was really practicable? Was the experience of every nation to be thrown away, and were they to suppose that if there was an article of produce for which the Chinese possessed so general a desire, it was in the power of our Government to take measures to prevent their obtaining it; that we could do for China what Napoleon had failed to do on the Continent, and enforce those new Milan decrees throughout the celestial empire? Why, the force of law to render the trade illegal was not wanted. Hon. Members talked as if the smuggling of opium was a legal trade. No assistance from this country was wanted to make the traffic illegal, for it was already declared to be carried on in opposition to the existing laws of China. The laws—flamingly luminous statutes of the celestial empire were well known, but the people who were engaged in the trade cared nothing for them, and put them at defiance. If this course, then, had been adopted, we must have sent out a sufficient force to Captain Elliot, to enforce this new commercial code. The smuggling trade might be driven from Canton, but it would have been carried on in a manner far more disgraceful, and far more dangerous, all along the coast, and then, in order to carry out the views which were supported, and upon which this country was required to put down the trade, we must have despatched to the superintendent a coast blockade far greater than the force we had for that purpose in England, and the ultimate effect would have been the establishment of the most mischievous and the most sanguinary warfare which could possibly exist. The noble Lord, the Secretary for Foreign Affairs, however, might yet have adopted another course. He might have come down, and, at any rate, as was contended, he might have paid a tribute of respect to decency and good feeling, and he might have proposed that the opium monopoly enjoyed by the East-India Company should be done away with. Supposing he had done that, and had proposed that in the course of three or four months the whole of the traffic should be swept away at once; upon what authority, he begged to ask, would he have taken that step? The only ground which he would have had upon which to support such a proposition, would have been the despatch from the superintendent, Captain Elliot, telling him what? To take measures to put an end to the traffic? No; but to take the steps proper to procure the legalisation of the trade. Of course, such a proposition, so evidently founded on good sense and propriety, would have met with that degree of support which it deserved. Hon. Members opposite would have maintained that same dignified freedom from party warfare which they had always shown. Not one word would have been heard of the impolicy of such a course, unsupported by any better information than that which had been received—they would have forgotten the impolicy of the proceeding in their anxiety to promote the cause of humanity—reckless of majorities, of constituents, or of general elections, they would have assented to the proposition without any question. He felt perfectly confident that if the noble Lord, the Secretary for Foreign Affairs, had made any such proposition, on any such authority, at that time, he would not long have kept anybody out of the post which he held, for he would have been placed under such proper restraint as would have prevented his longer performing the duties of his office. He was, for his own part, so strongly opposed to the immorality of the opium trade as any philanthropist on the other side of the House, and as desirous that it should be at once terminated, but he begged to say, that he thought that it wanted such a state of affairs as that which they now deplored to awaken the feelings of this country on such a subject—that it wanted such a case to induce the House to declare that the monopoly could not be continued with safety and with honour, and he conceived that we might now rely upon proper steps being taken to remove this stigma from the character of our country and its Government. But in his opinion, there was only one course which could be properly taken by the noble Lord, which was, when he found that he could not either secure the legalization or the suppression of the trade, to hold entirely aloof from it. That course the noble Lord had taken, and adhered to it; and he thought that unless the British Government had taken upon itself the administration of Chinese laws, he could have adopted no other line of conduct. If the arguments which had been adduced then, were sufficient to show that the Government of this country could not have put down the trade in opium, and could not have pursued any course so wise as that of perfect forbearance, which they had taken, he thought that he had shown that no part of the disaster was to be in any way attributed to the negligence or the misconduct of the noble Lord, because no one could for one moment deny that the disturbances which had arisen were caused entirely by circumstances proceeding from the traffic which had been carried on; and he thought it was wasting the time of the House to go on in the manner adopted by hon. Members opposite, picking out first one place, and then another, and contending that one sentence in a letter was not answered, and that another received no answer for a long time afterwards. The object of this inquiry was not to show that the noble Lord was a bad correspondent, but it was to convince the House, that from the neglect of which he had been guilty, the evils complained of had arisen. Then of what avail were all the irrelevant inquiries upon points of etiquette, which were imported into the case. The question upon the employment of the word " Pin" had become one of the most pointless pins of which he had heard. Whatever their opinions on such points might be, the noble Lord in stickling for these points of form, had been acting in perfect conformity with the expressed opinions of the persons most conversant with the merits of the question. The ideas of Mr. Davis, and of the hon. Baronet, the Member for Portsmouth, were well known, and had been expressed on many occasions; but it appeared that whenever there was an act which appeared shocking to our notions with regard to China, it was always recommended by our best Chinese writers. With regard to the residence of Captain Elliot at Canton, it appeared that he had gone to that place, although his instructions at that time were opposed to such a course; but the whole truth of the matter was, that all this discussion in reference to his residence at Canton was settled, and that it had no more to do with the disturbances in China than this motion. There was one thing which hon. Gentlemen had forgotten to mention, and that was, that though he was told to reside at Canton only a certain time, he had permission afterwards to go there, to and fro, from Macao as often as he pleased; but he only mentioned these circumstances for the purpose of exhibiting to the House the necessity for quoting passages, which were referred to fully. The general arguments which had been adduced upon the subject of the instructions sent to Captain Elliot had been well disposed of by the right hon. Gentleman, the Secretary-at-War, and though much of what he had said had been ridiculed by hon. Gentlemen opposite, it seemed to him, however, to be plain common sense, that when the Government was at a distance from a person in whose hands they had placed responsible duties, they ought to fetter him as little as possible by direct or positive instructions. [Sir *J. Graham:* There were no instructions at all.] The right hon. Baronet said, that there were no instructions at all sent to Captain Elliot, but it seemed to him that those were the very instructions which ought to have been given, if he might be permitted to use the expression. The right hon. Baronet was a party to the general instructions first sent, to those instructions to which the Duke of Wellington, in the hour of need, referred Lord Napier, and, after all, they contained all the advice which could be given to a person at the distance at which Captain Elliot was from this country. They told him to carry on all the ordinary commercial business between the Europeans and Chinese so far as they were able; to avoid offending the prejudices of the Chinese, and to get into communication with them; and he asked what further instructions the House could wish to be given. He thought that in fact mere negative instructions should have been sent out, and that the old monkish maxim, " *Sinere res vadere ut vadant,*" should have been followed. On every point which had arisen in the correspondence requiring specific instructions, he thought that the most distinct answer had been given by the noble Lord; and in all cases in which precise instructions had been required—such as those of the Jardine steamer, of the piratical designs of Mr. Innes, and of various private claims—they had been immediately sent out. There was one matter of emergency on which the noble Lord had given very clear instructions. When the news came of the interference of the British to prevent the execution of a native of China, he wrote out immediately that such an interposition should in future be avoided. He had already pointed out one instance, in speaking of the suggestions made by Captain Elliot for an embassy to treat for the legalisation of the opium trade, in which, if precise instructions had been given, or immediate steps taken, they would have produced the utmost confusion; and allowing five months for the passage of news to England, and five months for the transmission of instructions, he thought that they would find, that with ten months intervening, there would hardly be an instance mentioned in the papers in which circumstances would not be so changed in the interval, that precise advice would in general have been perfectly useless, and often mischievous. There was only one point further to which he would refer, and that was the absence of power in Captain Elliot. He would admit as a general principle that the superintendent should have had greater powers conferred on him, and that a criminal court should have been established; but he conceived that the circumstances of the case did not show any one of the mischiefs which had arisen, to have proceeded from the want of those powers. The hon. and learned Member for Exeter had alluded to the cases of the Jardine, and of the Thomas Coutts, but he would ask the House whether they considered that it would have been proper for the Government to have given the superintendent power to stop the trade, when it might have been carried on immediately after? What powers could the Government give him? Fine and imprisonment would have been nugatory unless he had a fleet to enforce them. There would have been one power available, and that was deportation. The noble Lord was not to blame that this was not given; he would show who was. The right hon. Baronet (Sir J. Graham) had read a copy of his speech on the China Courts Bill, to show that he was not answerable for the absence of this power on that occasion. He did not know what copy of his speech the right hon. Baronet had read, but he had been looking at a report of it in the *Mirror of Parliament,* and he would read one or two extracts. In a debate on the China Courts Bill, on the 28th of July, 1838, the right hon. Baronet said:—

"I do not see how the writs and processes are to be served, and I much disapprove of the absolute power of deportation of British subjects. If the noble Lord, on renewing his motion next Session, should think it necessary to ask the consent of the government of China, and should produce that consent, notwithstanding the infringement of national rights should be involved, I will support it."

So that if a bill had been brought in the next Session (leaving out the condition of the consent of the Emperor of China), and if it had passed, it would have received the royal assent just when Commissioner Lin was confiscating British property. The right hon. Baronet might now say, however, that the statement he had then made was no reason why further powers should not have been given to the superintendent at Canton. But the right hon. Gentleman was foreseeing, and for fear his words on the occasion to which he had alluded should have been mistaken, he had afterwards explained what his real views were. The right hon. Gentleman wound up in these words—he said, "so far from being favourable to an extension of the powers of the courts, I think, on the contrary, that they ought to be withdrawn." This, then, was the power which the right hon. Gentleman would have given had his advice been followed. There was one point more on which he wished to say a few words before he sat down. That point was the charge brought against the noble Lord, the Secretary for Foreign Affairs, for having neglected to follow the advice of the Duke of Wellington on the subject of the "stout frigate." Now it would be with pain that he should ever bring himself to speak of the Duke of Wellington in terms which could by possibility be construed into those of disrespect; but if the advice of the noble Duke had been rightly interpreted by hon. Gentlemen opposite, then he must say that that advice was the most foolish and mischievous that ever could have been given by anybody. But there was no necessity for his saying so of the advice of the noble Duke. The noble Duke's advice was perfectly sound, although it had been improperly construed by hon. Gentlemen opposite. The noble Duke had not said that there ought to have been at all times a naval force in the Canton river. What he said was:—

"I would recommend that, till the trade has taken its regular peaceable course, there should always be within the consul-general's reach a stout frigate, and a smaller vessel of war."

That advice was sound and judicious, and what every one must approve of. It was, however, very different from the advice of the right hon. Baronet, the Member for Pembroke, who was of opinion that there should have been at all times, and under all circumstances a naval force within the Canton river. He must say that if there was one course more foolish or more fatal than another which could have been pursued in this matter, it was that recommended by the right hon. Baronet, that without reference to the state of trade, and without reference to the position of our relations with the Chinese Government, there should have been at all times a "stout frigate and a smaller vessel of war" stationed at Canton. If there was one thing more than another calculated to alarm the jealousy of the Chinese, he would say that it was such an exhibition of armed force as the right hon. Gentleman had recommended. Never had there been any exhibition of force in the river of Canton without arousing the suspicions of the Chinese government. Let the House look at the results of Admiral Maitland's visit to the Chinese coast. That officer had no sooner arrived in the outside waters, for he had not passed the Bocca Tigris, than messengers arrived from the Chinese authorities, requesting to know his business, and asking him to go away. And when Lord Napier arrived with two vessels of war, the same jealousy was excited, the same irritation and suspicions were created, and he believed that many of the unfortunate results which followed, arose from the display of the naval force which accompanied his Lordship. Allusion had been made to the fears produced in the minds of the Chinese by the progress of our empire in India, and what, he would ask, could be more calculated to make them think that the Indian game was to be played over again in China than having an armed force constantly stationed in the vicinity of Canton? The debate had not turned on the seizure of the opium, nor should he go into that part of the question, for it was not connected with the charges which had been brought against the noble Lord and the Government. He had endeavoured to answer such of the arguments of the hon. Gentlemen opposite as seemed to him to have any ground on truth or justice, and he trusted that, as hon. Gentlemen opposite could only have a party object in view, the House would not allow itself to be led away from the real nature and character of the motion which had been brought forward, and that they would dispose of it as—what it really was—an attack upon the Government.

Mr. *W. E. Gladstone* said, the hon. and learned Gentleman who had just sat down, had delivered a speech characterised by that ability and ingenuity for which he was distinguished; but he could not help remarking, that although the hon. and learned Gentleman had declined to support the motion of his right hon. Friend, the Member for Pembroke, yet upon two points, and those points of the most vital importance, the hon. and learned Gentleman had agreed with the sentiments which had been expressed on the Opposition side of the House. The first of those points was, that Captain Elliot ought to have been furnished with larger powers and more specific instructions; and the second was, that courts ought to have been established in China by her Majesty's Government having authority over the conduct of British subjects in that part of the world. The hon. and learned Gentleman added more particularly that such steps were necessary because the jealousy of the Chinese towards strangers was well founded. That jealousy had been increased by the great change which had taken place in 1833, by which the trade with China was opened. It had also been strengthened by the hon. and learned Gentleman, by the great increase which had taken place in the number of persons visiting and residing in China consequent on the passing of the Act of 1833, by the rapid growth of the opium trade subsequent to that period, by the greater daring of those who carried it on, and by the demand of a direct correspondence with the vice-regal authorities. All these circumstances showed that the Government ought to have sent out Captain Elliot as an accredited agent, and that they ought to have furnished him with ample powers to carry into effect the object which they had in view. The hon. and learned Gentleman seemed to think it strange that those who blamed the conduct of the Government in not furnishing Captain Elliot with more ample instructions should have taken no notice of the fact that the Duke of Wellington, during the six months he was in office had only written one additional despatch, and he had said that, in that despatch, the noble Duke had not blamed the conduct of Lord Napier. Now the hon. and learned Gentleman had said, that he had read over three times the papers which had been laid on the Table of the House, but he would recommend him to peruse them again before he made such statements. In the despatch of the Duke of Wellington to Lord Napier, the noble Duke said—

> "It is not by force and violence that his Majesty intends to establish a commercial intercourse between his subjects and China; but by the other conciliatory measures so strongly inculcated in all the instructions which you have received." ["*Hear.*"]

The hon. Gentleman cheered, but he would beg to remind him that no one had objected to the general tenor of the original instructions which had been given to Lord Napier. The part of the noble Lord's conduct which was blamed was that which directed Lord Napier to take up his residence at Canton, knowing the jealousy which the Chinese had of strangers. He thought that those who were so charitable to the noble Lord, the Secretary for Foreign Affairs, and who were of opinion that there had been no want of instruction on his part might learn a lesson from the conduct of the Duke of Wellington, when they found that in the short time which he had held office he had digested the whole subject and formed a plan which, if the noble Lord opposite had been wise enough to adopt, would have prevented all the unfortunate transactions which had since taken place. The despatch which the noble Duke had written, and the plan which he had drawn up with such ability, would have been followed by the most ample instructions within a short period, but before those instructions could have been prepared, the noble Duke had retired from office. It had been truly observed by the right hon. Gentleman, the Member for Edinburgh, that the only charge against the Government was a charge of omission. A son starved his father to death, but that was only a sin of omission. A rebellion took place, the magistrates were not on the spot, the military were not called out, the peace of the country was disturbed, and several lives were lost, but these were only sins of omission. All those disasters which the country had witnessed arose only from sins of omission, and such was the character of the omissions of the noble Lord. The noble Lord had not carried out the intentions of the Legislature, for the Act of 1833 authorised the Government to furnish the superintendent with powers even more stringent than those which had been formerly entrusted to the supercargoes. The noble Lord had, most improperly, omitted to comply with the provisions of that Act, and had most unwisely taken no notice of the recommendations of Sir G. Robinson, of Mr. Davis, or of the able document which had been prepared by the Duke of Wellington. Instead of complying with the provisions of that Act, or following the recommendations which he had received, the noble Lord had given one general rule —namely, to insist on the use of a new character in all communications with the Chinese, notwithstanding the Chinese had refused in the most positive terms to admit that character to be used. By pursuing that course, the noble Lord had violated the compact by which our trade was permitted by the Chinese government to be carried on, for the Chinese had always said, that they would have no diplomatic relations with foreigners. They had, in the most positive terms, refused to enter into such relations with any strangers trading to their shores, and yet, in spite of that refusal, what did the noble Lord do? He had desired the superintendent to aim at attaining a diplomatic character as a principal object, while he had refused to grant him the power necessary to control the British subjects within the dominions of China. The noble Lord had neglected to give the necessary powers and instructions to Captain Elliot, while he had ordered him to obtain that which the Chinese had always refused to concede. The next omission charged against the noble Lord was, that he had neglected to establish courts in China, and on this point the hon. and learned Gentleman (Mr. Charles Buller), had alluded to the course which his right hon. Friend, the Member for Pembroke, had pursued in reference to the China Courts' Bill which had been brought forward by the Government. By the provisions of that bill, the court proposed to be established would have been invested not only with criminal and admiralty jurisdiction, but also with civil jurisdiction, and the hon. and learned Gentleman had said, that his right hon.

Friend had objected to the clause which gave a power of deportation. But was the opposition of his right hon. Friend a justification of the noble Lord? Did the noble Lord think that the powers which that bill would have conferred were right and necessary and essential for the prosperity of our China trade? If the noble Lord did not think that those powers were essential, then he could not object to the course which had been pursued by his right hon. Friend, the Member for Pembroke; but if, on the other hand, the noble Lord thought that those powers were necessary, why then, he would ask, had he not given those powers without coming down to that House and asking for the interference of Parliament. Why had he not given them by the authority of the Act to which he had before alluded? But the noble Lord had said, that his right hon. Friend had insisted on the clauses giving those powers being withdrawn from the bill; but what, he would ask, was the position of the House when that bill was under consideration? The House, at that time, had no information as to the actual state of affairs in China. The noble Lord had brought down a collection of extracts, carefully culled from the documents which had since been laid before the House, and in which there was no information as to the state of the opium trade, or as to the determination of the Chinese Government to put it down. The noble Lord had kept all that information to himself, and had refused the House an opportunity of forming a sound decision on the subject. The noble Lord alone knew the necessity, if necessity there was, for those additional powers, for he alone was aware that the imperial and provincial Governments of China had issued their most strict edict against those who embarked in that trade. All that information, however, the noble Lord had carefully excluded from the papers which he had laid on the Table, and not one word was to be found in them from beginning to end having relation to opium. When, therefore, the House had no knowledge of the actual position of affairs, and when the noble Lord had perfect knowledge of the state of the opium trade, and of the determination of the Chinese Government to put it down—when there was nothing on the Table of the House but a garbled and most imperfect statement—were they to be told, that under such circumstances the objections of his right hon. Friend to the bill which had been brought forward was to be pleaded as a justification of the conduct of the noble Lord? If the noble Lord thought that order could not be maintained amongst British subjects residing in or trading to China without the superintendent possessing some such powers as those which would have been granted by the bill, and if Parliament refused to grant those powers, there was one course still open to the noble Lord—a course which he, of all men, seemed the most reluctant to adopt—if those powers were essential, and if the Legislature refused to grant them, it was still open for the noble Lord to resign the office which he held. But, instead of pursuing such a course, the noble Lord had acquiesced in the opinions of his right hon. Friend, and had withdrawn the bill altogether, and they must, therefore, judge of his conduct as if no such bill had ever been introduced. The noble Lord, alone, was responsible for not pressing for the erection of a court in China; and if it was argued that the noble Lord had incurred no such responsibility, then he would ask why, if the Government considered such a court essential, the bill had not been introduced in the following Session. It was said, that it would have been too late in the following Session to have introduced this measure again, and that it could not then have prevented the mischief which had since happened. But the noble Lord could not, in the following Session, have known that fact, and it certainly was his duty, if he considered the bill necessary, to have again brought it forward. As it appeared to him, however, the greatest omission with which the noble Lord was chargeable had relation to the opium trade, and on this part of the subject he wished the House to observe that there was a broad and marked distinction between that trade as carried on before September, 1836, and as carried on subsequent to that period. A report of the Committee of the House of Commons had referred to the former period, and he could imagine that in the lax state of morals which there prevailed both in this country and in China with respect to the smuggling of opium, that that Committee should have been unwilling to enter on the subject of the suppression of the opium trade, when it was supposed that the Chinese themselves were not in earnest in their desire to put it down. The quantity of opium raised and exported to China was, however, at that time, much less than it had subsequently been. The trade had not then taken the enormous spring which it had since done; and besides there was at that time a power in the supercargoes enabling them to put a stop to the opium trade whenever they might see necessary to adopt such a course, and that power it was the intention of Parliament to continue by the Act of 1833. It was therefore a just charge against the noble Lord that no steps had been taken to carry out the intentions of Parliament when the Chinese had openly declared, and in the most positive terms, that they would no longer allow the trade in opium to be carried on. What were the facts in relation to this trade subsequent to the year 1836? Up to that time the Chinese had connived at the trade in opium, but he would call into court an imperial edict, ordering a stop to be put to that trade in the most strict and positive terms. In this case they were the judges in their own cause, and no one appeared on the part of the Chinese; but what was the opinion of Mr. King, an American merchant, who had written a work on the opium crisis? That gentleman said, that the connivance of the Chinese before 1836, was only a subaltern connivance, for all the respectable Chinese denied that any of the higher functionaries connived at the trade. It was only, as it appeared from the evidence of Mr. King, the connivance of the inferior officers of the Chinese Government, and he would ask whether there was any one of the second rate powers on the continent of Europe which was not perfectly aware of the corruption which prevailed amongst its Custom-house officers. But that was no reason for saying that the Government itself connived at the corruption of its officers, or at the contraband trade which was carried on in consequence, so that it was no justification of the opium trade to say that it was connived at by the inferior functionaries of China. Let them, however, look at the state of the trade subsequent to the year 1836. In September 1836, the Emperor of China issued an edict, commanding that all persons engaging in the purchase or sale of opium should be severely punished. That was not a hasty measure adopted on the moment without consideration, but on the contrary, it was an edict resolved on after mature deliberation, and which was promulgated in the most solemn and impressive manner, and if there was any want of proof of the sincerity of the intentions of the Chinese government to put down effectually the trade in opium, it was to be found in the fact that the Vice-president of the Sacrificial Court had been punished for the advice which he had given for its continuance. Another edict had subsequently been issued against foreigners engaged in the opium trade, and which commanded them to depart at once from the country. Why, then, had the noble Lord remained idle and taken no steps, when he heard that those edicts were issued? Captain Elliot had told him that the Emperor had issued the most strict edicts, commading all parties engaged in the opium trade to give over their traffic, but nothing however had been done. No one could blame the conduct of Captain Elliot, nor could the noble Lord now have anything to disavow as regarded that gentleman's conduct. Considering how hard a master the noble Lord had been—that he had acted the part of an Egyptian task master, commanding his officer "to make bricks without straw"—it was impossible for any one to visit with blame the conduct of Captain Elliot. Captain Elliot's errors were those of the noble Lord, while it would be difficult to show that his merits were ascribable to his instructions from the Secretary for Foreign Affairs. On the 23rd of November Captain Elliot received notice of the intention entertained by the Chinese government with respect to the parties engaged in the smuggling of opium, and an edict was issued commanding the merchants to leave the country in half a month. The noble Lord was duly informed of this; and the consequence of these preparations on the part of the Chinese government was, that Captain Elliot came to the determination of resisting this removal of the smuggling merchants. Were they to be told after this that the course adopted by the noble Lord was the wise course of keeping wholly aloof, and not mixing himself up in any way in the opium trade, as had been put forward in the ingenious defence of the hon. and learned Gentleman who had just sat down? On the 12th of April 1837, Captain Elliot arrived in

Canton. The Hong merchants demanded that the receiving ships should be made to depart from the coast. On the first of May the boats concerned in the opium trade were removed to Whampoa, and there the prohibition was effectually enforced. The hon. and learned Member for Liskeard had quoted a passage from the evidence of Mr. Lyndsay, a very respectable man, but largely concerned in the opium trade, in which he stated that the viceroy himself was concerned in the traffic. But even if he were, it was quite clear that the general spirit of the imperial government was most adverse to it. From that time collisions and scenes of violence and bloodshed were of two frequent occurrence, without, however, once moving the noble Lord from his state of complete imperturbability. In the months of July, August, and September, an imperial edict and others by the commissioner at Canton, ordered the removal of the ships engaged in the smuggling trade, and warned the English residents that the continuance of their trade with China was dependent upon their obedience to this injunction. All the edicts issued up to this time, together with the commands given to the merchants, were treated with indifference by the noble Lord. Captain Elliot suggested the propriety of sending out a commissioner to negotiate with the court of Pekin. But of this the noble Lord did not approve. These accounts, however, of bloody collisions and scenes of confusion came to the noble Lord's department year after year, yet the noble Lord never thoughtit necessary to make the slightest communication to Parliament. After all this, the noble Lord came down with that garbled statement upon which he founded the China Courts Bill. Now, the noble Lord at that period had every demonstration which he could have of the sincerity and earnestness of the Chinese government in relation to this matter. The noble Lord had not the slightest reason to suppose that Parliament would treat the subject with indifference, or be indisposed to legislate upon it. And whether Parliament was or was not disposed to do so, it was equally the noble Lord's bounden duty to introduce the subject to their consideration. Yet, the noble Lord, though he received these despatches in May, 1838, took no step whatever in regard to them; and this, forsooth, was to be now advanced in his excuse—that because he had allowed matters to come to a head, and had suffered so much time to elapse, he could not, then, interfere without doing mischief. The Chinese government had been very hardly used in the course of this debate, and more particularly by the right hon. Gentleman, the Member for Edinburgh. Now, the Chinese government had trusted, in the first instance, to Captain Elliot's statement—a statement which he must say, that he did not consider a very open or straightforward one, that—

> "His Government had no knowledge of the existence of any but the legal trade, and that over an illegal trade he could exercise no power."

If they were judging the conduct of Chinese, not of British officers, they would call that a miserable equivocation. No one could doubt that Captain Elliot was quite as well aware of the existence of the illicit as of the legal trace. But the tenour of the noble Lord's instructions was—" Don't confess that you know anything at all about it."

The passage he alluded to would be found in page 233. These were the words:—

> "That my Government had no formal knowledge of the existence of any other but the regular trade of Canton, and that his Excellency must be sensible I could concern myself only with the duties I had due authority to perform."

And in page 240

> " He has already signified to your Excellency, with truth and plainness, that his commission extends only to the regular trade with this empire; and further, that the existence of any other than this trade has never yet been submitted to the knowledge of his own gracious sovereign."

He hoped that hon. Gentlemen were now satisfied. Was it to be expected after this that the Chinese government would continue to communicate with Captain Elliot, when he—the professed agent of the British Government—declared himself unable to keep her Majesty's subjects at Canton in obedience to the laws of the Chinese empire? Were they to waste time in fruitless negotiations, and decline to adopt other more cogent means of effecting the legitimate and praiseworthy object which they had in view? On the 20th of November, 1837, another edict was issued, distinctly threatening the stoppage of the British trade if the receiving ships were not dismissed, and the edict was repeated on the 22nd of December, 1837, and the 19th of February, 1838. He entered into these details to show with what unwearied and exemplary patience the Chinese government had acted in this matter, and what numerous warnings they gave; without those warnings, however, receiving the slightest notice on the part of the noble Lord. Was he to be told, that because the noble Lord had been a meddler in one part of the world, this was to be held as an excuse for his doing nothing in another part? The noble Lord had shown that there were some things which he was ready enough to do and those which he did were frequently found as mischievous as those which he did not do. The noble Lord certainly had exerted himself in one particular. He had done his best to get Captain Elliot to obtain from the commissioner at Canton the substitution, instead of the word *Pin*, of some term less objectionable. Here was an endeavour, notwithstanding Captain Elliot's confessed inability to put an end effectually to smuggling, to obtain for him a recognition in his diplomatic character. In 1838 the Chinese government began to be of opinion that some more stringent means must be adopted. In the month of April a Chinese was executed without the walls, as an ignominious example, and it was stated that he was—

> "So punished on account of the intercourse which he had held with the traitorous barbarians, and of his dealing in Sycee silver."

This appalling incident was evidently designed for the instruction and intimidation of the European residents engaged in the smuggling trade. But the noble Lord was no more moved by this event than he was before. During the whole of that year many seizures of opium were made, and many bloody encounters took place. Shortly afterwards occurred the affair of Mr. Innes. Captain Elliot at last assumed an active position, stopped the trade in the river, and declared that it was a lawless traffic, and so far met the demand of the Chinese government. With this they appeared to be content for a time. But, so long as the receiving ships were not removed, the Chinese government could have no security that their intentions would be faithfully carried into effect. It was with great regret that he found Captain Elliot at last setting his face deliberately against the removal, and supported in this course by the noble Lord. The right hon. Gentleman, the Member for Edinburgh, had told them that he deplored the prevalence of the prohibited opium trade as much as any hon. Member at their side of the House could. But what was the value of such formal declarations, when the agent of the Government, (for such Captain Elliot was) exhibited himself at Canton, as the supporter of the British merchants engaged in the contraband trade, and the opponent of the Chinese government in their attempt to remove the offending ships? On the 12th of September, 1838, an attempt was made to execute a native Chinese in the very square of the factories. An edict was directed to the foreigners resident at Canton, totally contrary to the practice of the Chinese government, in which they were distinctly charged to send off the receiving ships, and were informed that a new law would be presently sent down from the imperial government, and carried faithfully into execution. Had he not a right, therefore, to assume it was an indisputable fact, that the Chinese government had adopted every means, during a period of two years and a half—that both imperial and provincial governments had used every lawful endeavour to stop the opium trade, and resorted to every proper means of making their intentions known to the British Government? Yet they had been treated with contempt and neglect—with the same contempt by the noble Lord at home as by the British superintendent at Canton. At length, in the month of November, the last step was taken, and a native was actually strangled in the square of the factories. This was interpreted as a gross and meditated insult to the flag of those who had been themselves, in effect, the cause of the death of that unhappy man. Let them mark the conduct of Captain Elliot. He knew that the commissioner was coming, and in answer to a communication which he received from him, he stated that he should consider himself bound to protect, not only British persons, but British property. The meaning of this was, of course, that he would resist every attempt made by the Chinese to carry into effect the intentions of the imperial government. Captain Elliot described this measure taken by the Chinese government as sudden and violent. Why, it had proceeded by regular gradation. For two years and a half, the Chinese government were continually remonstrating, continually announcing their firm determination to suppress the trade, though during all that time not the slightest notice was taken of these remonstrances by her Majesty's Government. They were told that the Chinese ought not to have taken possession of the person of the British residents at Canton. This was a subject upon which the right hon. Gentleman, the Member for Edinburgh, had become very indignant, and demanded what proof the Chinese officers had of these individuals being concerned in the prohibited traffic. What proof? Why, it was a matter of universal knowledge. The seizure of the opium was recorded regularly in a printed form at Canton. Captain Elliot had no power to arraign and judge those engaged in the opium trade. On the other hand, the Chinese had no power to try them. There were no means, therefore, of legally establishing the guilt of these parties. Yet they were to be told, that it was matter of complaint against the Chinese government, that they should have seized their persons. The Chinese government had acted in accordance with their fixed determination, to put a stop to the opium smuggling. Had they not a strict moral right to put a stop to it? Was it not mere mockery to affect—to pretend indignation as to the pernicious consequences of the opium trade, and yet exhaust all the armoury of ingenuity and eloquence to prove that the Chinese government were not justified in taking effectual means for crushing that trade? Her Majesty's Government would have unquestionably evinced a more sincere desire to discharge their duty satisfactorily had they manfully encouraged those efforts of the Chinese government, instead of systematically and deliberately taking measures to defeat those efforts. Another theme of the indignant denunciation of the right hon. Gentleman opposite was, that that the Chinese should have indiscriminately confined the innocent with the guilty. He owned, that when the news of this transaction first reached him, he did think it a cruel and monstrous act. But from further and more accurate information, he found that the whole British community, almost to a man, had been engaged in that illegal traffic. What were the facts? 200 persons had been confined. Had the right hon. Gentleman inquired how many were innocent, and how many were guilty? Did he suppose that five out of the 200 were innocent? If not, what of his charge? The circumstances being so notorious, the guilt being so undeniable, the Chinese government were justified in acting against the entire community, the more especially, because there was no possibility of fixing the guilt upon individuals. What did Mr. King say of the state of affairs at Canton? In the month of August, 1838, Mr. King stated, that he proposed a pledge to the foreign merchants resident at Canton, which went to bind them not to take any further part in the opium trade. Mr. King proposed this pledge to the merchants for signature; and what did the House think was the reply which the press at Canton gave to his proposition? The press replied, that no merchant could give this pledge, as they were one and all more or less interested in the sale of the drug. And yet, notwithstanding all this, the right hon. Gentleman opposite came forward, and with all his powers of eloquence, endeavoured to move the indignation of the House against the Chinese government, because in its measures of repression it had confounded the guilty with the innocent, though it was notorious that in that country the legitimate and illegitimate trade was conducted by the same hands, and was centred in the same houses. He thought that it was of importance to show that the Government of China, before it had resorted to violent measures to suppress the opium trade, had exhibited great moderation in the measures which it had adopted; and that by appeals to individuals and their agents, by serious warnings, by the constant confiscation of the opium found in the possession of natives, and in a word, by every means that could be devised, it had attempted to prove the sincerity of its endeavours to put an end to that illegal traffic. He thought that the noble Lord ought to have co-operated, as far as he could, with the Government of China, when the sincerity of its endeavours was proved to him. The right hon. Gentleman opposite asserted, that it was quite impossible for us to put down the opium trade in China ourselves. Admitting that to be the fact, still we might have shown a desire to co-operate with the Government of China; and if we had done so, we should have put down the traffic to a great extent, though we might not have succeeded in abolishing it.

We might have sent away the receiving ships—we might have refused them the protection of our flag. "But then," said the right hon. Gentleman opposite, "we should have created piracy, and should have converted the present illicit traffic into something much worse." Why, the trade in opium had already generated piracy not only on the river, but also all along the coast of China. But he was convinced in his own mind that if we had sent away the receiving ships, that measure would have produced other and very different measures on the part of the Chinese. The right hon. Gentleman opposite had also asked—

> "Shall we establish at our own expense a a preventive service on the coast of China to put down the smuggling of opium into that country!"

Now to that question he would give an answer by asking another, and that was—

> "Did the right hon. Gentleman opposite know that the opium smuggled into China came exclusively from British ports—that was, from Bengal, and through Bombay!"

If that were the fact—and he defied the right hon. Gentleman to gainsay it—then we required no preventive service to put down this illegal traffic. We had only to stop the sailing of the opium vessels; and it was matter of certainty, that if we had stopped the exportation of opium from Bengal, and broken up the depot at Lintin, and had checked the growth of it in Malwa, and had put a moral stigma upon it, we should have greatly crippled, if, indeed, we had not entirely extinguished, the trade in it. He did not mean to blame the noble Lord for not having done this by means of a despatch—it was impossible that he could have so done it. The right hon. Gentleman opposite had told them, and told them very properly, that an order of that kind could not execute itself. Undoubtedly it could not. We knew that the interference of Parliament would have been necessary; but we also knew that the opium trade had been denounced in the strongest terms by the Chinese authorities—that it had been the cause of bloodshed—and that it had led to many other mischievous and dangerous results; and, such being the case, the noble Lord would only have had to declare the difficulties that were before him to establish the necessity for the interference of the Legislature. Then, said the right hon. Gentleman—"Our Sovereign has been insulted in the person of her representative." But how did the right hon. Gentleman opposite show that Captain Elliot was the representative of his Sovereign? Was he the representative of his Sovereign because he was unable to control her subjects, or because the Chinese authorities had formally acknowledged him as such? It was clear, from several passages in this blue book, which he would not weary the House with reading, that the Chinese authorities had never formally acknowledged Captain Elliot as the representative of the Sovereign of this country, and that they had only recognized him as a person appointed to reside at Canton to preserve order in the regulation of the trade, and in no other character whatsoever. And here he must be permitted to say one word in vindication, or rather in palliation, of the conduct pursued by Captain Elliot, but certainly not in vindication or palliation either, of her Majesty's Government in this country. Captain Elliot was placed in a situation in which he could not, from want of powers, fulfil the task that was imposed upon him. In the discharge of his duty he had throughout shown great courage, and in some part of it great tact and discretion. But the fact was, that whenever he showed a disposition to check the trade in opium, he was regularly discouraged by the noble Lord at the head of the Foreign Department. Nay, more, whenever Captain Elliot implored the noble Lord to interfere either one way or the other, and to prepare measures either for the suppression or for the legalization of the trade, he was met by the noble Lord with a total and contemptuous silence—with an utter and unpardonable neglect of all his suggestions, quite incompatible with the doctrine now for the first time advanced, that it was inconsistent with the confidence necessarily reposed in an agent at such a distance from head-quarters to trouble him with minute and manifold instructions. Was it not quite evident, that before the principle of the right hon. Gentleman opposite could tell against multiplying instructions to a distant agent, it must tell still more strongly in favour of strengthening and multiplying his powers? Now, Captain Elliot, in the course of the spring of last year, had completely identified himself with the contraband traffic in opium. He would not weary the House with reading passages out of the blue book to prove it; for he was sure that no one who had paid the slightest attention to these despatches would venture to dispute it. It was stated therein that Captain Elliot declared to the noble Lord at the head of the Foreign Department, on the 13th of March, 1839, that he had made up his mind to direct British subjects to resist by force of arms any attacks that might be made by the Chinese government upon the opium vessels at Lintin. The noble Lord had recognized that act of Captain Elliot. As the noble Lord had refused to interfere with the Chinese Government when there was yet time for interference, and as by his refusal he had placed Captain Elliot in a situation of difficulty, the noble Lord might be right in not disavowing the acts which he had compelled Captain Elliot, as his agent, to take; but the noble Lord could not be allowed to acquit himself of his responsibility for those acts, if it were a necessary consequence of his policy, as undeniably it was, that on the 13th of March, 1839, Captain Elliot declared it to be his intention to defend, not only the persons of British subjects, but also the property which they had engaged in these smuggling transactions. Was the House of Commons, he would ask, to be told that the present motion had no bearing upon the war now about to commence—that it was brought forward for mere party purposes—and that it had no reference whatever to the real merits of the case? If the House should vote that this war was owing to a want of foresight on the part of her Majesty's Government, and to the neglect of the noble Lord to forward Captain Elliot instructions how he was to proceed against the growing evils of the traffic in opium, could any one doubt that it would be equivalent to its saying that there were evils in the opium trade which required to be remedied, and that, in shifting the responsibility of the war from the Chinese to the British Government, it imposed on itself the necessity of resorting to negotiation, and of making reparation for our past injustice before we resorted to violent measures for redress? The right hon. Gentleman opposite had said that no person hitherto had denounced this war. Now, if he had heard his right hon. Friend, the Member for Pembroke correctly, he had denounced the war as one in which success could produce no honour, and in which failure must produce indelible disgrace. Besides, if he was not mistaken, he had heard his hon. and learned Friend the Member for Exeter go the length of saying, that it was doubtful whether on purely technical principles you were justified in excepting to the seizure of the opium, and to the mode of its seizure by the Chinese government. If he could bring himself to think that this motion would have no effect upon the war now in contemplation, he for one should care little about its success. With respect to the charge that such motions as the present were only made for party purposes, he was of opinion that it was an useful maxim not to attend to any allegations of party motives. They were weapons which were used daily by both sides; they were very useful to excite cheers—but than such cheers nothing could be more worthless. There were real merits in this case, for the great principles of justice were involved in this war. "You will be called upon," said Mr. Gladstone, addressing himself to the Ministers—"you will be called upon, even if you escape from condemnation on this motion, to show cause for your present intention of making war upon China. I do not mean to say that you ought not to send out an armament against China. Far from it. We have placed ourselves under your auspices in a position so unfavourable, that it is a matter of certainty that we cannot even demand terms of equity without a display of force. But we are going to exact reparation for insult, and compensation for confiscation which we allege ourselves to have suffered. If that be so, then I tell you that you are bound to show to us and to the world what the insult is for which we are to demand reparation. The right hon. Gentleman opposite has spoken to us of the cruel murder which he says the Chinese committed upon a boat's crew which they captured. Now, I beg leave to remind him that in one of his despatches Captain Elliot alleges that this was an act committed by pirates, and not by Chinese authorities. It is only in his last despatch that Captain Elliot says that his conviction now is that he was wrong in that allegation. Now, I must say, that all the conduct of the Chinese authorities militates against all this recent conviction of Captain Elliot. They had had not only the opportunity, but also the power, of putting to death other British subjects than the three Lascars whom they had captured, and if their object had been to inflict terror, the murder of the former would have answered their object better than the murder of the latter. Even in the case of the Lascars, the Chinese authorities had never been asked for explanation; and before explanation is asked, are we to be told that this outrage is a sufficient cause of war? But, says the right hon. Gentleman opposite, "The Chinese have poisoned their wells, and such a step would be certain to lead to retaliation and vengeance on the part of our sailors, who get their water from them." Now, as Captain Elliot declared to the Chinese authorities that he had no formal knowledge of what would be the orders of his own government when it heard of these transactions, and as he refused to give a formal injunction for the abandonment of the trade in opium, it appears to me that the Chinese were justified in saying, "We have no other alternative than to expel these smugglers from China," and they offered in consequence to Captain Elliot expulsion on the one hand, or legal traffic in the usual way on the other. Captain Elliot refused both. He would not let the shipping go up to Whampoa. Every objection that could be made was made by Captain Elliot to the renewal of the legal trade. The Chinese were anxious for the renewal of it; but "No," said Captain Elliot, "We will go to Lintin, we will establish ourselves there, we will maintain our right to procure provisions there, and at Lintin we will remain till more favourable circumstances arise." Now will the House consider what this language really amounted to? It was a claim on the part of the British merchants to go to the very focus of smuggling; and this afforded a suspicion—a seemingly well-founded suspicion—to the Chinese, that it was their intention that the opium trade should be resumed there. The Chinese had no armament ready wherewith to expel us from Lintin. They therefore said, "We will resort to another mode of bringing you to reason. We will expel you from our shores by refusing you provisions," and then of course they poisoned the wells. (*Cheers* from the Ministerial benches). I am ready to meet those cheers. I understand what they mean. I have not asserted—I do not mean to assert—that the Chinese actually poisoned their wells. All I mean to say is, that it was alleged that they had poisoned their wells. They gave you notice to abandon your contraband trade. When they found that you would not, they had a right to drive you from their coasts on account of your obstinacy in persisting in this infamous and atrocious traffic. You allowed your agent to aid and abet those who were concerned in carrying on that trade, and I do not know how it can be urged as a crime against the Chinese that they refused provisions to those who refused obedience to their laws whilst residing within their territories. I am not competent to judge how long this war may last, or how protracted may be its operations, but this I can say, that a war more unjust in its origin, a war more calculated in its progress to cover this country with permanent disgrace, I do not know, and I have not read of. The right hon. Gentleman opposite spoke last night in eloquent terms of the British flag waving in glory at Canton, and of the animating effects produced on the minds of our sailors by the knowledge, that in no country under heaven was it permitted to be insulted. We all know the animating effects which have been produced in the minds of British subjects on many critical occasions when that flag has been unfurled in the battle-field. But how comes it to pass that the sight of that flag always raises the spirit of Englishmen? It is because it has always been associated with the cause of justice, with opposition to oppression, with respect for national rights, with honourable commercial enterprize, but now, under the auspices of the noble Lord, that flag is hoisted to protect an infamous contraband traffic, and if it were never to be hoisted except as it is now hoisted on the coast of China, we should recoil from its sight with horror, and should never again feel our hearts thrill, as they now thrill with emotion, when it floats proudly and magnificently on the breeze. No, I am sure that her Majesty's Government will never upon this motion, persuade the House to abet this unjust and iniquitous war. I have not scrupled to denounce the traffic in opium in the strongest terms—I have not scrupled to denounce the war with equal indignation; but supposing that we pronounce no opinion upon the traffic, and no condemnation upon the war, the charge against the noble Lord at the head of the Foreign Department is nevertheless equally complete. Whether the opium trade be right or be wrong—whether we ought to have continued, or whether we ought to have negatived it—the noble Lord has been equally neglectful of his duty. The circumstances which were represented to the noble Lord in July, 1837, the circumstances which were afterwards brought to his knowledge in May, 1838, and the circumstances which he learned in April, 1839, were all of them circumstances which called upon him for more powerful interference, no matter what the object of that interference was. I have already expressed my opinion that the interference of the noble Lord should have been for the suppression of the trade in opium, and that the war was not justified by any excesses committed on the part of the Chinese. I have already stated, that although the Chinese were undoubtedly guilty of much absurd phraseology, of no little ostentatious pride, and of some excess, justice, in my opinion, is with them, and, that whilst they, the Pagans, and semi-civilized barbarians, have it, we, the enlightened and civilized Christians, are pursuing objects at variance both with justice, and with religion. I am, however, most particularly anxious to call the attention of the House to this point—that, though I do not evade either the question of the opium trade, or the question of the war, I think the merits of the noble Lord, at the head of the Foreign-office rest on a very different footing. In whatever, sense the noble Lord ought to have interfered, one thing is clear, that he ought to have interfered with spirit and effect. It was not his duty to have allowed the contraband trade in opium to have gone on to the extent which it reached. If the noble Lord had ever read those papers—yes, I repeat, if the noble Lord had ever read those dispatches—for it is to me matter of doubt, whether he has read them. Gentlemen may cheer, but I will never believe the noble Lord has read them, till I hear him make with his own lips a declaration to that effect. Yes, I want to hear that declaration from himself. The noble Lord has done all in his power to keep us in the dark with respect to them, certainly, and now, when at last he condescends to give us them, he gives us them in one vast, rude, and undigested chaos which the wit of man is incapable of comprehending. I therefore, think it more charitable to suppose that the noble Lord has never read those dispatches, than to suppose that, having read them, he was so ignorant of his duty as to make no application to Parliament upon this subject. Be the trade in opium what it may—be it right, or be it wrong, we are now called on give an assent to a war caused by the indolence and apathy of the noble Lord. The rupture was caused, in the first instance by his not sending out sufficient instructions on the subject of the opium trade to Captain Elliot. It was continued in the next by the continuance of our merchants to smuggle opium into China, and by the determination of Mr. Innes, and others to go up the river in prosecution of their trade. It was further continued by the murder of a Chinese on shore by British subjects—a murder which Captain Elliot could not punish, nor yet prevent, from his want of control over British subjects in the waters of China. It was further continued by the passage of the Thomas Coutts up to Canton, an occurrence which Captain Elliot would have had power to prevent, if the noble Lord had attended to his pressing applications. Be the trade or be the war what it may, I will never flinch from the assertion which, I have already made, that the noble Lord is chargeable for the results of both. On his head, and on that of his colleagues, that responsibility must exclusively rest, unless the House shall think fit to negative the motion of my right hon. Friend by its vote on this occasion, and if it does, it will become a voluntary participator in that great and awful responsibility.

Mr. *Ward* said, that the hon. Gentleman who had just addressed the House, as he always did, with great sincerity of feeling, and with so much power, had the merit of being the first in the course of the debate who had given any clear indication of the policy of the party to which he belonged. He told them that he did not wish to evade the opium question—that he had no doubts about the subject, and he proved the justice of his statement by telling them subsequently, that from first to last, in all their proceedings, and however much their conduct had been at variance with the principles which regulated the intercourse between civilized communities, that he conceived the Chinese to have been fully and entirely in the right. The hon. Gentleman justified the blockade of the English factory. He justified the seizure of the innocent and the guilty together. He justified the poisoning of the wells. [Mr. *Gladstone,* he justified the allegation]. The hon. Member justified the poisoning of the wells on the line of the Chinese coast, in order to deprive of fresh water English women and children, who at least were not implicated in the opium trade, but who were expelled by the imperial commissioner at three hours' notice from Macao. The hon. Gentleman blamed Captain Elliot for having the presumption to organise anything like a defiance against the attempt, on the part of the Chinese, to destroy a fleet of English vessels assembled at Lintin, composed of sixty ships, which had never been implicated in the illicit trade; when the imperial commissioner threatened to send against them a fleet of the fire-ships, which he had adopted as a kind of coast guard. In a skirmish or drunken brawl, in which both English and Americans were concerned, a Chinese came to his death by an unknown hand. It was impossible to ascertain even to what nation the person who inflicted the blow belonged. Captain Elliot stated in different passages that it was impossible to trace the individual, and yet the hon. Member blamed Captain Elliot for not having consented to give up an innocent man. [Mr. *Gladstone:* No, no, I did not.] The hon. Member denied it, but he appealed to the recollection of the House whether the hon. Gentleman did not allude to the murder of Lin Wiehee, and blame Captain Elliot for his refusal to give up the culprit, and assign that refusal as one cause of the outbreak. The hon. Gentleman told them that the policy which ought to be pursued was not to demand compensation for the injuries sustained from the Chinese, but rather to offer reparation for the wrong we had committed ourselves. He told the House that negotiation should precede hostilities. He trusted it would do so in the present instance, and he should express his own feelings on that point afterwards. But, notwithstanding those strong principles and enunciations of opinion of the hon. Member, and it was not possible for any one to carry the anti-opium mania further than he had done, still the hon. Gentleman told them, that even if the motion succeeded, it would make no difference in the policy to be pursued. It would still leave them in a position in which an armament would be indispensable. No amount of humiliation—no extent to which they might lower themselves at the feet of the Chinese—would free them from the necessity of having an armament on the Chinese coast, with all the risks and chances attending such an armament. Although the hon. Gentleman laid the whole blame and responsibility on the present Government, he omitted to point out one act which at any particular time the Government could have done to avert the necessity of having recurrence to hostilities. The hon. Gentleman alluded to the memorandum of the Duke of Wellington, which he had read with the interest, and which every Member of the House must have read with the interest which the name of the noble Duke commanded. The hon. Gentleman inferred that the course of policy pointed out in the memorandum must have been eminently successful if the noble Lord had the manliness and courage to follow it up. He had read the memorandum with as much attention as any Gentleman in the House, but he confessed he could find in it no traces of the policy which the hon. Gentleman had discerned. Not only with respect to the vessels of war, as his hon. Friend, the Member for Liskeard, had observed, but with respect to the two cardinal points of the memorandum, the noble Duke was wrong. In commenting on the unfortunate issue of Lord Napier's mission, the noble Duke attributed it to the fact that he was required to take up his residence at Canton, which the Chinese would not permit him to do; and secondly, to the attempt to communicate with the Chinese in a manner which their national customs did not sanction. Captain Elliot, however, succeeded in both. The residence at Canton was refused, in the first instance, in consequence of the manner in which it was urged, and in which there was a total disregard of the ceremonies which the Chinese required. To that the failure of Lord Napier was to be ascribed. From the moment the course which the right hon. Baronet recommended was abandoned, the mission became successful. The proceedings under Sir George Robinson and Mr. Davis terminated by transferring to Lintin the seat of the opium traffic, the residence of the British commissioner—for it was there that Sir George Robinson took up his quarters permanently; but Captain Elliot by a wise, moderate, and discriminating course, steadily and successfully pursued, carried the points which the Duke of Wellington supposed were unattainable. He was permitted to reside at Canton during the only period at which residence was desirable, and obtained an imperial edict, recognising his official character as distinct from the character of the supercargoes who preceded him. Although he was not invested with those powers which the hon. Gentleman opposite deemed essential, he had all the powers that a consul-general would possess over British trade. He did not possess the powers of a representative or ambassador, but he had all the power and influence which a consular office could give. He had not dictatorial power. He could not dictate the movements of British merchants, but he had more power than was ever before possessed by any English authority in China. He succeeded in communicating with the Chinese authorities in a perfectly satisfactory and honourable manner. He was quite aware of the antipathy naturally felt by hon. Members, at that period of the debate, to reference to papers. He must observe, on passing, that the papers on this subject had been read more carefully and conscientiously by a great number of Members than ever state papers were before, although the hon. Member for Woodstock seemed to think that nobody had read them but himself. He should compress what he had to say in the smallest possible compass, but he felt the more bound to go into the subject, because he had presented a petition, signed by a large portion of those whom he represented, of which the sentiments coincided a great deal more with the opinions expressed on the other side than with his own. He never shrank from saying so to those whom he represented, and he would now give the reasons for the vote he was about to give. The hon. Gentleman who had spoken last seemed to think that the opium trade ought to have been put down altogether, and by some act to be done by the Government. The subject had been discussed in that House in 1833, when one of the colleagues of the right hon. Baronet expressed his opinion upon the whole system of the opium trade. It was not an open question, and Mr. C. Grant, in developing the whole matter to the House, expressed of course the opinions of the Government. That right hon. Gentleman then said that the opium trade, though contrary to the laws of China, was under the patronage of the authorities at Canton, and that the extensive profits derived from it rendered it necessary to be carried on. The hon. Gentlemen opposite said, it was to the want of interference and instruction for the suppression of the trade that all the present difficulties were to be attributed. It was easy to say so, and talk of prohibiting the export of opium from India; but it was not in British India alone that opium was grown, and it did not appear that there could have been any direct control over the opium trade of Malwa. The example of what occurred with regard to the slave trade, to which every christian feeling was opposed, but on which, by the admission of Mr. Buxton, the evils had been aggravated by the measures adopted to put it down, the example of that trade ought to have taught the hon. Gentleman not to be sanguine of the possibility of putting down the evils of the opium trade. He believed the evils of the opium trade were very considerably exaggerated. If used in moderation, opium was not injurious to morals or health, and the trade in it was hardly open to more objections than the revenue derived from the consumption of spirits. The hon. Gentleman dwelt much on the silence of the Government, and the absence of instruction; but if he looked into the book he would find that where no instructions were sent, it was because the expressions in the communication made to the noble Lord were doubtful or uncertain. He concurred with the hon. Gentleman that it was very desirable that there should be some effective interference on the part of the Government, but as he did not see how that was possible, he could not give his vote for the motion. The Government, it appeared to him, had no reason, from the conduct of the Chinese authorities, to anticipate such a result as the present state of things. The right hon. Baronet had detailed a number of warnings, and the first solemn warning to which he had referred was in 1835. But what was the opinion of Mr. Davis with his long experience in China? He treated it as perfectly nugatory, and so it turned out. There was then no mention of the opium trade in the papers before the House till the 5th of February, 1836, in a despatch from Sir George Robinson, who said that he apprehended no danger would arise from it. In April following that Gentleman said that perfect tranquillity existed. In July, 1836, was the next mentioned, and Captain Elliot then said that he expected the legalisation of the trade would take place in six weeks, and added, in speaking of the trade, that it was a confusion of terms to call it a smuggling trade, for, though formally prohibited, it was commenced, carried on, and encouraged by the Mandarins. In February, 1837, Captain Elliot enclosed home some papers which he justly pronounced amongst the most extraordinary state papers in the world, and which certainly in the discussions on either side in favour of free trade on the one, and prohibition and adherence to ancient customs on the other, were calculated to inspire very high notions of the ability of those Chinese who produced them. It appeared from Captain Elliot at that time that the illegalisation of the opium trade was only carried by a majority of one in the imperial Chinese Cabinet, nor was it till the 10th of February, 1837, that any very serious indication of change in the policy of the Chinese took place. He alluded to an edict misrepresented by the hon. and learned Member for Woodstock as an edict directed against the steam-boat Jardine; whereas it was for the expulsion from Canton of Mr. Jardine, one of our leading merchants there, and fifteen of his fellow-residents.

Mr. *Thesiger* referred the hon. Member to the page in which the edict against the steam-boat was alluded to.

Mr. *Ward*, on reference, saw that such an edict was certainly spoken of, though it was not given; and he had been informed by the person who was principally concerned that no such edict had appeared at all. But the edict was issued for the expulsion of Mr. Jardine and his compatriots, but so far from the Chinese government being serious, it was merely issued *pro formâ*, and annulled immediately. So far, therefore, from anything that had happened hitherto giving rise to apprehension and requiring interference, Captain Elliot said, in writing to Lord Auckland, that he did not apply for instructions, because he did not wish the Government to be committed on delicate points. He applied, however, for a ship in February, 1837; the despatch arrived in August, and in September a ship was put under his control, with instructions as judicious and as moderate as the hon. Gentleman himself could have desired. Up to this very time, however, the most friendly relations subsisted between the viceroy and Captain Elliot, the former having treated with great kindness about fifty men who had been shipwrecked, and delivered them over to him, and having allowed him to interpose his authority even in favour of some persons who had unfortunately involved themselves in a riot. In short, till November, 1837, till the series of four edicts were issued, there were certainly no serious indications of the difficulties with which our superintendent had subsequently to contend, and consequently no necessity for instruction or interference on the part of the Government at home; and even then, after that, Captain Elliot expressed his opinion that the trade would be legalized, although in so doing it would be acknowledging that Captain Elliot came to rather an unnatural conclusion, although he might have strong reasons for doubting the immaculateness of a viceroy who had himself derived large profits from being concerned in the smuggling. This termination of these edicts appears to be a result of that system of provincial dependence upon the imperial court of Pekin which prevailed in China. It was quite evident that all the provincial officers were closely watched by the court of Pekin. All their communications to that court were in writing. The consequence was, that whilst they were conniving at and encouraging the evasion of the laws, they protested in their decrees and edicts most loudly against such evasion, and when any flagrant instance occurred, the provincial officer shifted the blame to his subordinate, the subordinate to one below him, and the last of all to the foreigners. This was particularly the case with their unfortunate law with respect to homicide. There was no subterfuge, no means for a Chinese Mandarin to resort to in order to avoid putting that law in force, and yet escape the responsibility of evading it; and it was in evidence that whenever unfortunate circumstances of that kind occurred, arising out of the opium traffic, they actually suborned an unfortunate Lascar to declare himself the murderer, and had it not been for the threats of our supercargoes to expose the share of the Mandarins themselves in the transaction, the unfortunate man would certainly have been executed. Under the East India Company the same system was carried on between the supercargoes and the Mandarins. It was a war of words on both sides, whilst, at the same time, both were equally implicated in the traffic —the Company clinging to their profits, and the Chinese to their bribes. He admitted, however, that the evils of this trade had grown to a great length in November, 1837, and Captain Elliot had then, in a despatch which arrived the following May, stated that it was time to interfere. But what was it, then, that Captain Elliot chiefly apprehended? It was the river traffic. And there he was mistaken again; for, though he stretched his power—though, by a moral power greater than any that could have been given him directly, except by an act of Legislature, which was impossible, he put a stop to the traffic in that river to a great extent, yet the trade only extended the more to the coast, and both parties being interested in carrying on the trade, it was found impossible to stop it. But even then Captain Elliot did not describe the Chinese government as some hon. Gentlemen opposite had described it, as laying down a beautiful, distinct, and definite principle on which we could have joined them in suppressing the smuggling trade. On the contrary, he described them as wandering in their determination, and changing their resolutions from day to day. The viceroy, in his edicts, certainly complained of Captain Elliot loudly, and taunted him with being unfit for the office of superintendent if he could not put down the traffic. But those edicts were intended more for the Court of Pekin than for Captain Elliot. They were intended to shift the responsibility from his own shoulders, and enable him to plead in excuse the obstinacy of the "barbarians." Under these circumstances, therefore, he did not see what other answer the noble Lord, the Secretary for Foreign Affairs, could have given than the one he gave in the despatch of the 15th of May, 1838, viz., to disclaim on the part of the Government any encouragement to the opium trade in China, and to throw the whole responsibility of it on those who engaged in it. That was the course taken not only in China, but in all other countries where smuggling British goods was carried on. It was notorious that such smuggling was carried on all over the world, and in Spanish America, before the declaration of independence, there was a state of things very similar to that which prevailed in China—the Viceroy and officers deriving a large and regular income from the money paid for licenses to trade, or in other words, bribes to countenance smuggling, and therefore, he thought the noble Lord, if not encouraging or protecting this trade, had a right to leave it to the Chinese themselves to put a stop to it on their own coast. Why it was notorious, that nine-tenths of the trade of England with Spain was smuggled; but did the Spanish Government call upon that of England to prevent it? The hon. Gentleman who spoke on the other side, said something must be done, and so he said, and so said every one, but no one ventured to say what that something was, until the hon. Member for Newark spoke. If the motion, instead of being one of censure, turning upon miserable points of petty detail, had laid down some broad principle —if it had stated, as the hon. Member for Newark had said, that this was an unholy and unjust war, and that at the expense of national humiliation we ought to throw ourselves at the feet of China, then he would have understood on what it was the House was called on to vote. But the motion set forth nothing of that kind. It used the strongest language of censure, but there was nothing in it to indicate a disapproval of the course of policy pursued. Nothing to indicate such a disapproval had fallen from the lips of the right hon. Mover—not from those of the right hon. Baronet who generally spoke for his party in that House. How, then, could he possibly vote for a motion which would endanger and paralyse all our commerce, legal as well as illegal, prostrate this country at the feet of Mr. Commissioner Lin, and induce us to give up our trade in favour of our rivals (the Americans), or carry it on in the vessels of any power whom we could persuade to lend us their flag? He certainly did believe, that nothing but the concurrence of the British resident in China with the Chinese authorities could put a stop to this traffic, or keep it within bounds. But he could not say, that all the fault was on our side, that Lin had been always right, and that oppression and cruelty had not been exercised towards British subjects, such as gave us a just right to complain, and called upon us to interfere. What had been the conduct of the Chinese authorities? Had they not systematically issued decrees without ever attempting to enforce them? Had not the Spanish proverb, "obey and not execute," been theirs? Was it not notorious, that even the Admiral of the Chinese junks received large bribes, and stipulated, that they should be paid annually, and that the Hoppo and all the principal officers did the same thing. Under these circumstances, he asked the hon. Member, who had no fault to find with Commissioner Lin, whether he could justify the imprisonment of British residents, guiltless as well as innocent, in order to obtain the opium from the ships, or the expulsion of our fellow-countrymen from Macao, almost a neutral port, and where the Governor was anxious to receive us, and give us protection if he had dared? He thought there was fair cause of complaint, and that it did entitle this country to redress. Nay, look even at the recent point of difference between Mr. Commissioner Lin and Captain Elliot as to the bond required from trading ships. Lin required from every ship entering the river a bond, that if they had one single pound of opium on board, the ship was to be confiscated, and the crew given up to punishment, that punishment being death. If such a bond were executed, it would place every British vessel and its crew, whether engaged in smuggling opium or not, at the mercy of the Chinese authorities. Whatever might be the opinion of the hon. Gentleman opposite (Mr. Gladstone), as to the Chinese being a simple and an unsophisticated race of people, he could not agree with that opinion, for the evidence showed them to be possessed of great shrewdness and unscrupulousness in all their proceedings. The explanation that was given by the commissioner of the intended effects of the bond, ought to make British subjects doubly cautious in affixing their signatures. It declared that there should be the confiscation of the vessel, and the punishment of death inflicted upon the crew, provided a pound of opium was found on board the ship. This would place it in the power of any fraudulent mandarin to whom a supercargo might have refused a bribe, to confiscate the vessel, and put the crew to death, and this, too, without any appeal to British authority. The bond was to be this:—

> "From the commencement of autumn in this present year, any merchant vessel coming to Kwangtung, that may be found to bring opium, shall be immediately and entirely confiscated, both vessel and cargo, to the use of Government; no trade shall be allowed to it; and the parties shall be left to suffer death at the hands of the Celestial court, such punishment they will readily submit to."

Upon this bond, it was to be recollected that an imperial commissioner insisted, in the strongest possible terms, for if before a vessel arrived at the coast it happened to have any opium on board, and that opium by any chance got upon the Chinese coast, and a connexion could in any manner be made out between the opium and the vessel, the penalty would be enforced. Persons who would sign the bond required from them would have been liable to search, and upon any allegation and any proof that might be satisfactory, to the imperial commissioner, who was alone to be the judge, punishment would be inflicted. He had been told of the good faith of the Chinese. He might ask if it had been shown in the case of the Spanish ship, which was to be found in the latter part of these documents. They burnt that ship in mistake for an English one, though the mistake was discovered immediately afterwards? The poor fellows who were taken prisoners were detained in the presence of the mandarins upwards of four hours—threatened with death, and the executioner actually introduced in order to compel them to sign a declaration that the ship was a British ship engaged in smuggling, and that its fate and theirs was therefore deserved. It was not on the ground of the morality or the immorality of the opium trade that he should give his support to her Majesty's Government on the present occasion, but because the Chinese had discarded and abandoned every semblance of respect for the principles of international law, and had brought affairs to such a position that he could see no chance of averting the fatal consequences which impended over them, but in the course adopted by the noble Lord. But he still hoped and prayed of the noble Lord, that all that had passed of good and conciliating conduct on the part of the Chinese people during the last six years, and before the arrival of the Imperial Commissioner Lin at Canton, might be borne most scrupulously in mind. Let the noble Lord recollect, that we are the strongest power. He admitted, that we had to deal with a people who were a little known to us, and whose resources were not as yet ascertained; a people who, on a recent occasion, in a contest of arms, had conducted themselves in a manner which drew down the merited eulogy of Captain Smith, who witnessed their conduct, and he hoped that these facts would be borne in mind, and that when our armament arrived in China, as he supposed it was determined an armament should proceed thither, every attempt would be made to settle the existing disputes upon reasonable grounds, without the necessity of having recourse to hostile proceedings. He did not think, that this was a hopeless case, and he thought, that at least the attempt should be made. He therefore should give his vote against the motion of the right hon. Baronet, because he thought, that in supporting the policy of her Majesty's Ministers he should best promote the restoration of peace and commercial prosperity on a lasting basis.

Mr. *G. Palmer* could assure the House that upon this subject he was actuated by no party feeling whatever. He had no individual feeling; as connected with this question, for any Gentleman who sat below him; and he was only influenced by that high feeling which he thought all persons ought to entertain on such a subject. Some days ago he put a question to the noble Lord the Secretary for Foreign Affairs, as to whether there were any other despatches in his possession upon the affairs of China besides those which were in the printed return, and the noble Lord replied, that there were, but that they were not considered relevant or necessary to the subject. In answer to a question from the hon. Member for Oxford, the noble Lord had said, that it was not his intention to recall Captain Elliot; and this being the case, he thought that he was justified in saying, that the noble Lord had taken upon himself the responsibility of every part of Captain Elliot's conduct as reported in these returns. There was another question which he had put to the President of the Board of Trade, the substance of which, as the right hon. Gentleman was present, he would now repeat, because he was sure the right hon. Gentleman would not have given the answer which he had done if he had read the despatch of the 11th of May in connection with the version which had been put upon that despatch, to the effect that it was the determination of Captain Elliot to resist by force the entrance of any ship into the port of Canton. The question which he had put to the right hon. Gentleman in February last, was, whether any ships would be allowed to clear out of the port of London for China? and he was told that there would be no impediment to so doing—that the only impediment on arriving at their destination would consist in such regulations as the British superintendent might be advised to adopt. The reason why he put that question was, that at the very moment when he did so the Government were sending out ships to China full of stores, and they blinded foreign powers all the while—whether intentionally or not he would not pretend to say—as to the purpose for which those ships were sent out, by authorising the commanders of them to advertise to take out merchandize to China. Having mentioned these points, his purpose now was to say a few words in order to point out to the House a few features of the moral character of the Chinese people, which he thought had not been done justice to in the course of this debate. Now, in the first place with regard to the regulation regarding foreigners, and the term "barbarians," which was applied to them. This term "barbarians" was not used towards us in the same sense in which we used it of the Chinese themselves; it was nothing more than the ordinary designation for foreigners, much in the same way as the term had been used in ancient times by the Greeks and others. Next as to the hospitality and humanity of the Chinese: he would beg to read a passage in these papers, being a proclamation of the Chinese governor regarding certain shipwrecked mariners who had been cast upon their coast. [The hon. Gentleman then read the extract, which ordered that the governor of the province should give relief to the sufferers, provide food for them, and assist them to repair their vessels, in order that the benevolence of the Chinese empire might be known afar.] Another passage he would read, which declared that—

> "If any soldier or mandarin should not hasten to the relief of the distressed without being actuated by any hope of reward, he should be beheaded without mercy."

This edict was no idle enactment. Among other examples of its operation he would mention the case of the Sunda

East Indiaman, which was lost in the Chinese seas about the time that the proceedings complained of had taken place, and whose crew had been taken to Canton, and most kindly entertained, even on the very day that the attack was made on the war junks by the Volage. There was another ship the crew of which were Lascars who were similarly succoured, who were afterwards brought up to Canton to Commissioner Lin, who received them cordially, gave them presents, and then sent them to Captain Elliot. Another instance he would mention which happened some years ago, within his own knowledge. An English vessel was dismasted and disabled in a storm many miles out at sea; the government of China sent off a pilot to her succour, who remained on board for six weeks, in the course of which they encountered three heavy gales, and eventually brought the ship safe into Whampoa; and when this pilot was asked by the captain what he was to be paid for his services, he replied, "Nothing; that he had been ordered by his government not to receive a single dollar." He knew that to be the fact, for he was the individual who commanded that vessel, and therefore he could speak with confidence on the subject. He could not help saying, that there was a great deal of exaggeration as to the unreasonable demands of the Chinese, and the objections which were made to them. With respect to the bond, for instance, he did not believe that the commander of a single vessel at Whampoa was unwilling to sign that bond. They looked upon it merely as an acknowledgment and declaration that they were not smugglers, and that they were ready to abide by the Chinese laws and restrictions in the event of their turning out otherwise. They had nothing to conceal, and therefore nothing to dread. He would now beg to read to the House a passage from the speech of Mr. Jardine at a public dinner given to him in March last, in which he bore testimony to the high moral character of the Chinese, and the efficiency of their laws. [The hon. Member read the extract to the following effect—that he (Mr. Jardine) had resided a long time in China, and that he had found life and property more effectually protected there by the law than in any other part of the East, or probably of the world—that a man might go to sleep in his House with his windows open, without incurring any danger to his life or property, so well guarded were they by a watchful police; that, generally speaking, business transactions were conducted with great good faith, and that in all transactions with foreigners the usual personal courtesies were scrupulously observed, and that for these reasons it was that so many of our countrymen visited this country, and remained there so long.]—The head and front of the dispute at issue were comprised in three points, which he should briefly deal with. The first was the horrible crime of sticking the word "pin" on the outside of a letter, as if the noble Lord and his colleagues did not hold their seats by means of pin-stickers in another place. But what did this amount to? Simply that as "pin" only meant petition, and as nothing was done in that House except by petitions, there could be as little objection to place it on a letter as there could be for the people of England to address Parliament in the supplicatory form. It was, in fact, only a point of form and nothing more, and was anything but a ground sufficient for going to war. The other point was respecting the homicide. It no doubt came home to the feelings of Englishmen to deliver their fellow-countrymen for punishment; but was not every man illegally engaged in any transaction when death accidentally ensued, deemed guilty of homicide by the laws of England, and punished accordingly? The Chinese only carried out the same principle when they required the murderer of Lin Weihe, or the companions who were with him at the time the murder was committed, to be given up. Finally, with respect to the third point—the great question of opium. What was the true state of the case? The noble Lord opposite said the Government gave no encouragement to the illegal traffic in that article; but the papers before the House left it clear to every man's mind that the contrary was the case. These documents proved that there existed a complete understanding between the noble Lord and Captain Elliot on the subject—that it was the topic of secret instructions to the superintendents—and that the opium trade was carried on under their countenance, though it had been admitted that the Chinese had a full right to suppress it. The Chinese authorities had only exercised that right. They had given ample warning of their intentions preceding the carrying them into execution, and it was too bad to turn round on them now and attack them for its exercise. It might be urged that the anchoring ground of the ships was not within the Chinese waters; but that could only be asserted in utter ignorance of the locality. It was as much so as Margate was within the English seas; and Hong Kong was at no greater distance from China than that port was from London. It was urged that the means adopted by the Chinese were objectionable. To this all that could be answered was, that they were the best in their command, and in fact it would be quite as just to blame General Elliot for using red-hot shot at the siege of Gibraltar as to blame them for their employment. With respect to the position of the superintendent on that occasion, there could not be much reasonable sympathy for him. He had put his own neck in the halter—he knew that opium was daily landed—and as he chose to identify himself with the smugglers, he should be prepared to take the consequences. He claimed jurisdiction and control over English vessels in the China waters to serve his own purpose with the Chinese authorities; but when he was called on to exercise it he altogether disclaimed its existence, alleging that he never had any. To the last moment he was aware of the opium smuggling, and to the last moment he lent himself to it, if the correspondence between him and the noble Lord, of the 10th and 11th February, 1837, could be credited. After the 20,000 chests had been delivered up, what was the duty of the superintendent? If he had acted honourably, ought he not to have detached himself entirely from the opium ships? Instead of that, he had hired a guard-ship, which he suffered to be surrounded by opium ships; he saw opium selling alongside of him; and he wrote to the noble Lord, saying that opium was being sold for 500 or 600 dollars a chest. He begged to remind the House, too, of the last letter which he had written; the purport of it was that the merchants were very much obliged to Commissioner Lin for seizing the opium, for that now the opium trade was all alive again; that fresh supplies were coming in from India, and that it was selling for double the price; that consequently the dealers in opium would make a great deal of money by the destruction of the 20,000 chests. But whether that was the way in which the Government were to excuse themselves for not paying the bill he did not know. It had been said that no Member was willing to declare himself directly opposed to a war with China; but if he stood alone he would offer his solemn protest against such a war. It was a most unjust and unfair attack upon the Chinese, who had done nothing more than we had compelled them to do—less they could not have done unless they had suffered the opium smugglers to carry their trade up to the very doors of Canton. If we respected our own independence ought we not, he asked, to pay some regard to that of other nations? He was afraid that the noble Lord was tainted with the feeling that they were justified in dealing with these strangers inhabiting so distant a region as perfect barbarians, but he had seen to-day an instance of retribution in a statement which appeared in the newspapers of that day—an account of the murder, as it was properly called, of two missionaries in the island of Ennomongs, in the South Seas; because a vessel had gone there some time before, and an attempt had been made to carry away from the island what the people did not choose to part with. That was the retribution, and he believed that ninety-nine times out of a hundred in cases of that sort they might trace the murder of these people to some previous attack made upon the natives. The Chinese government had invariably, in respect to trade, been our fast friend. They had been with us conscientious in all their dealings, and the value of our trade with them was of no trifling importance. The right hon. Baronet (Sir J. Graham) had stated it in part, but he felt justified in pointing out to the House the real value of that trade. The value of the tea imported to Great Britain was at prime cost two millions and a-half, and of silk 900,000*l*. The value of the exports direct to China was one million and a-half in manufactures, and the value of the raw cotton exported from India was about two millions. But how was that paid for? The raw cotton imported was just equal to the quantity of manufactured cotton which India took from this country, about six or seven millions. The tonnage from England employed in the China trade was 40,000 tons. That was of no trifling importance in every point of view, and it was not the least importance with regard to the employment of seamen which it produced. The tonnage from India to China was still greater; amounting to between fifty and sixty thousand tons. The revenue derived from this trade by the British Government was between four and five millions a year. It might be said, that there would be the same duties if the Americans traded here. But did the noble Lord suppose that America would submit to a blockade of the port of Canton? The case was not the same as that which had occurred at Mexico, when the quarrel was simply between the French and Mexican Governments. At Canton the Chinese did not require the bond from the English only, but from all foreigners. The Americans said, they were willing to sign it, we said, we were not; but what ground did that afford for excluding them? Of his own knowledge he could speak to the difficulty of navigating those seas, and the risk of hurricanes occurring at all times, but especially in the months of June and July; and all that ought to be the subject of serious consideration with reference to the proposed expedition. If they adopted conciliatory measures, if they acknowledged the Chinese as an independent power, and were willing to respect their independence, he was satisfied that they would be received on favourable terms; but if they attempted to gain their ends by force, he knew that there was a high spirit amongst the Chinese, which, even if their government could be persuaded, would prevent the people from suffering them to yield until they had been convinced that they would be beaten in the struggle, just as much as the people of this country would not allow the Government, under the belief that Russia or France could conquer us, to accede to disgraceful terms. He should cordially support the motion of the right hon. Baronet, because he thought that her Majesty's Ministers had not taken the precaution of giving such orders as were necessary for the maintenance of our trade with China.

Debate again adjourned.

HOUSE OF LORDS,

Thursday, April 9, 1840.

MINUTES.] Petitions presented. By the Marquess of Westminster, and the Earls of Albemarle, and Uxbridge, from several places, for, and by Lords Redesdale, and Willoughby D'Eresby, from a number of places, against the Repeal of the Corn-laws.—By the Archbishop of Canterbury, and the Bishops of Chester and Salisbury, from a number of places, against the Clergy Reserves Bill; and for Protection to the Church in Canada.—By Lord Denman, from one place, in favour of the Affirmation Bill of last Session.—By the Marquess of Westmeath, from two places, against the Irish Corporations Bill.—By the Earl of Wicklow, from the county of Wicklow, for Protection against Sheep Stealing, and the destruction of Timber.—By Lord Kenyon, from Dublin, against the Irish Corporations Bill.—By the Earl of Lovelace, from one place, against the Opium Trade.

CANADA — CLERGY RESERVES— QUESTIONS TO THE JUDGES.] Lord *Ellenborough* said, that with regard to the questions proposed to be put to the learned judges on the question of the Clergy Reserves Bill, they had stated that on questions of such importance it was not fitting that an answer should be given by any small body of them, and that therefore they would rather not take the question into consideration until the first day of term—that was two days after the day on which the right rev. Prelate had given notice of his intention to bring forward a motion to address the Crown to refuse the Royal Assent to the bill. Now, it was desirable that this matter should be as little discussed as possible, and even if the House were to assemble on Easter Monday he feared that that would be hardly time enough to enable the motion to be brought forward within the thirty days. Under these circumstances, he thought that it would not be too much to ask the noble Lord opposite to give a pledge that in the event of the right rev. Prelate postponing his motion he would not advise that the Royal Assent should be given to the bill until the right rev. Prelate had had an opportunity of bringing forward his motion; also, that in the event of that motion being carried, he would advise her Majesty to refuse her assent to the bill. So that the House and the right rev. Prelate should be placed in the same position as they would have stood in if the learned judges had been enabled to give their opinion, so that the debate might have come within the thirty days.

Viscount *Melbourne* said, that the noble Lord must perceive that it was placing him in rather a difficult position to exact a pledge from him, to advise her Majesty not to give her consent to a bill of which he for one approved. Of course, the question having been referred to the judges, it was important that no steps should be taken until their opinion should be known; he agreed entirely with the noble Lord as to the evils likely to arise to the Colonies from the unnecessary discussion of this question; he however, understood that a pledge had been given on this subject in another place—he was not aware of the precise nature of that pledge, and therefore could not at present give an answer to the noble Lord. He would however, give him an answer to morrow.

Bill to Authorize Publication.] Counsel were heard against the bill.

The bill with some amendments, afterwards went through committee.

HOUSE OF COMMONS,

Thursday, April 9, 1840.

Minutes.] Bills. Read a first time:—Seduction; Loan Societies.

Petitions presented. By Mr. Marsland, from eight places, for, and by Lord C. Manners, the Earl of Lincoln, Messrs. Barneby, and G. Heathcote, from several places, against the Repeal of the Corn-laws.—By Lord C. Manners, Lord Barrington, Captain Alsager, Sir R. Inglis, and Mr. Miles, from a very great number of places, for, and by Messrs. Baines, and C. Lushington, from Southampton, and other places, against Church Extension.—By Mr. Lushington, from Frome, against the Opium Trade.—By Sir R. Inglis, from several places, against the Grant to Maynooth College, and against the Clergy Reserves Bill.—By Viscount Mahon, from Upper Canada, to the same effect.—By Mr. Lock, from Dumbarton, against the Tax on Railway Passengers.—By Mr. Hume, from the Eating-house Keepers of London, against the Tax on Servants.—By Messrs. Dennistoun, and Hume, from Glasgow, and other places, for Universal Suffrage, and Vote by Ballot; and by the latter, from a number of places, against Clergymen being in the Commission of the Peace; and from other places, for the Separation of Church and State.—By Mr. Hope, from Gloucester, against the Inland Warehousing Bill; from a Charitable Society, against the Charities Trustees Act; and from the Guardians of the Gloucester Union, against the Central Commissioners.—By Mr. Bernal, from Rochester, for the Repeal of the Carriage Duty.—By Mr. Lockhart, from places in Lanarkshire, in favour of Non-Intrusion.—By Mr. Pakington, from several places, against the Canada Reserves Bill; from Droitwich, against the Workhouses Exemption Bill.—By Lord Barrington, from Lansbourne, and Mr. Barneby, from one place, against the Rating of Workhouses.—By Colonel Wood, from the Guardians of the Bethnal Green Union, against Rating Stock in Trade.—By Mr. Maxwell, from several places, against the Irish Corporations Bill.—By Mr. Philpots, from Gloucester, against the Abolition of Church Rates.

Passion Week.—The Opera House.] Mr. *T. Duncombe* said, he had first to present a petition, signed by some 1,400 gentlemen of the highest respectability, who stated that they and their families had been in the habit of hearing lectures on astronomy, delivered at the Opera-house during Lent, Passion week, and other seasons. The petitioners complained of the course adopted by the Lord Chamberlain in refusing to allow the Opera-house to be open for the purpose of enabling Mr. Howell to deliver lectures on astronomy. The petitioners prayed that the House would adopt such means as they thought proper to give them that opportunity of hearing lectures on science which had been so suddenly withdrawn. The method by which he proposed to give effect to that petition, and that which he had presented on last Monday, from Mr. Howell, was to move an address to her Majesty, that she would be graciously pleased to command the Lord Chamberlain to withdraw the order for closing the Opera-house during Passion-week. The House would recollect that during the last session of Parliament a discussion had taken place as to the performance at the theatres during the Wednesdays and Fridays in Lent. The House had come to the decision that on those days the performance should be allowed to take place; and, in consequence of that decision, the Lord Chamberlain had issued an order at the commencement of the present Lent to all the theatres under his jurisdiction, that they would not be required to close during Lent, except on Ash-Wednesdays and Passion-week. It had been the intention of Mr. Howell to deliver lectures during that week at the Opera-house, on astronomy, but an intimation had been sent to him that those lectures would not be permitted. A letter was then sent by the solicitor of the Opera-house, asking upon what principle that prohibition had issued. That question seemed rather to have puzzled the Lord Chamberlain and his officers. They returned no answer to the question as to the principle. Mr. Lumley received an answer, dated 5th March, that is the date of his letter, informing him that it was not intended to allow any of the theatres within the jurisdiction of the Lord Chamberlain to be opened during Passion-week, and that, therefore, no licence could be granted for entertainments at the Queen's Theatre. On March 6th, the following day, Mr. Lumley again wrote, requesting to know whether the prohibition extended to lectures on astronomy, giving as his reason for the application that the lessee, who was under very heavy engagements, was accustomed to derive a considerable profit from astronomical lectures during Lent; and he (Mr. Lumley) could not believe that the prohibition was intended to apply to them. The answer to that letter again evaded the question, and merely repeated the terms of the Chamberlain's reply of the 5th of March, and added, that it was not intended to allow any of the theatres in his jurisdiction to be opened in Passion-week "for any entertainments whatever." It was to be observed, that the entertainment proposed to be given was not of a dramatic but of a scientific, and, to a great degree, religious nature. For the last century, it had been the custom to give entertainments of a more dramatic nature, under the name of oratorios, on the Wednesday and Saturday in passion-week; when the whole orchestra and company of the Italian Opera-house (sometimes with Madame Grisi at their head) performed. From 1806 to 1822, Walker's Eidouranion was exhibited at the Italian Opera-house in that week, and Mr. Adams's lectures delivered there up to 1837. From that year up to the present Mr. Howell had exhibited his orrery and delivered lectures in that theatre in Passion-week. He wished to give further proofs of the anomalous proceedings of the Lord Chamberlain. Up to the year 1836, lectures had been given within his jurisdiction during Lent on ventriloquism, and what was called Shaksperian readings. During Passion-week, from the year 1760 to the year 1772, tea-parties had been given at the Haymarket by Mr. Foote, and an entertainment called "Collin's Evening Brush," took place formerly during Lent in Leicester-fields. He might instance several other facts of the same sort, but he wished particularly to call the attention of the House to what took place in 1835. During the Thursday and Saturday in Passion-week, in that year an oratorio was performed at Drury-lane. He could not, therefore, see why the Lord Chamberlain had refused the license in question to Mr. Howell. He had himself applied to the Lord Chamberlain when Mr. Howell failed, on the subject, but he could get no satisfactory answer. The *sic volo sic jubeo* principle seemed the only one on which the Lord Chamberlain seemed disposed to act, but he trusted that the House would not concur in the opinion of the Lord Chamberlain, and that they would not deprive the public of a rational amusement. Such nonsense ought not to be any longer countenanced. He would add one word with regard to the opinion of the public press on the nature of Mr. Howell's lectures. That opinion was, that those lectures contained powerful appeals on the greatness and the wisdom of the Creator, in maintaining the planets in harmony, and binding them in obedience to his wonderful law. He (Mr. Duncombe) did not, therefore, see why the public should be excluded from the benefit of attending the lectures in question.

Mr. *Fox Maule* said, in opposing the motion he could assure his hon. Friend he did so without any feeling that astronomical lectures were not justifiable during the season to which he alluded. He opposed it on the principle that his hon. Friend having drawn the attention of the House some time ago to theatrical performances, the Lord Chamberlain, in conquence of their decision, had laid down a rule that during Lent all the theatres might be open except on Ash Wednesday and Passion week; and such being the rule laid down, he thought his hon. Friend had not any right to complain of the Lord Chamberlain, that he would not break the rule for the purpose of allowing for five days the delivery of astronomical lectures. When his hon. Friend, in 1837, had brought forward the motion to which he had alluded, his opinion was, that the theatres should not be open in Passion-week for any purpose. In that, there was no exception made for astronomical lectures or other entertainments. Mr. Howell might remove his orrery out of the Lord Chamberlain's jurisdiction, to the Argyle-rooms, Hanover-square rooms, or Exeter-hall. He thought, that if they opened the door on this subject ever so little, other entertainments of a more objectionable character would soon follow. He was borne out in that assertion by the fact, that in 1832, a licence had been granted for mechanical exhibitions. Now, he apprehended such exhibitions were quite as innocent as astronomical lectures. But what happened? Why, they were immediately accompanied with music and such entertainments. He thought, where a rule had been laid down for closing all the theatres during this week, it should not be departed from on light grounds.

Mr. *Hume* was sure that any person who had heard the hon. Gentleman's defence, must see that he was as anxious as any one to have these obstacles removed. The hon. Gentleman said, will you open the door? but his hon. Friend, the Member for Finsbury, had shown that the door had been open for more than half a century. He believed there was no other building in which astronomical apparatus could be so conveniently exhibited. He trusted, therefore, that the hon. Member would withdraw his objection, or that, at all events, the House would overrule it.

Lord *R. Grosvenor* felt it his duty to oppose the motion for the address. Whilst on this subject he must say, that Passion-week was a week which ought to be set apart by a Christian Legislature for holy ordinances; and he regretted to find that a right rev. Prelate had selected such a time for bringing forward a discussion in another House calculated to excite feelings of rancour and party animosity.

Mr. *Goulburn* confessed that he was very much astonished, that a motion for a simple address to the Crown should have been made the vehicle for an attack upon the Archbishop of Canterbury. Nothing could be more unjustifiable than to cast an imputation on that right rev. Prelate for intending to bring forward a motion in the other House. He (Mr. Goulburn) agreed, that if the Houses of Parliament were to make a rule that they would not sit in Passion-week, it would be an improvement on the system at present adopted; but if Parliament declared they would sit during Passion-week, he did not think that the Prelates of the Church ought to be charged with a neglect of their duty for raising their voices in Parliament in favour of the Church. As to its having been a party motion, he would observe that he did not know whether the right rev. Prelate considered the bill in question a party measure or not, but the debate in the other House of Parliament, the other night, showed that it was there considered anything but a party question.

Mr. *Vernon Smith* observed, that nothing could be more unfair than the observations just made by the right hon. Gentleman. Whether the motion made by the Archbishop of Canterbury was a party motion or not, it certainly was a strong motion of attack upon the measures adopted by the Government with respect to one of our most important colonies, thereby giving rise to dissension and religious animosities. His noble Friend had not complained of the Archbishop of Canterbury bringing forward the motion, but he had objected to the time he had chosen. The fact was, the Archbishop had chosen the very latest day before the holidays for bringing on the motion.

Mr. *T. Duncombe* said, he had little to reply, for there had been no argument used against him. His motion had nothing to do with the Archbishop of Canterbury. If it were at all connected with the Church, it was so by the fact that several clergymen had signed the petition which he presented.

The House divided:—Ayes 73; Noes 49: Majority 24.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Ainsworth, P.
Archbold, R.
Baines, E.
Barnard, E. G.
Barneby, J.
Berkeley, hon. H.
Berkeley, hon. C.
Berkeley, hon. G.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Bruce, Lord E.
Coote, Sir C. H.
Curry, Sergeant
Douglas, Sir C. E.
Dundas, C. W. D.
Easthope, J.
Ellice, E.
Ellis, W.
Fielden, J.
Fitzalan, Lord
Fort, J.
Gisborne, T.
Greene, T.
Grey, rt. hon. Sir C.
Hall, Sir B.
Hamilton, C. J. B.
Hastie, A.
Hawes, B.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hoskins, K.
Hughes, W. B.
Jones, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Mackenzie, T.
Miles, W.
Miles, P. W. S.
Morgan, C. M. R.
Morris, D.
O'Callaghan, hon. C.
O'Connell, D.
O'Conor, Don
Packe, C. W.
Parker, M.
Parker, R. T.
Pattison, J.
Pease, J.
Pinney, W.
Ramsbottom, J.
Rundle, J.
Rushbrooke, Colonel
Salwey, Colonel
Slaney, R. A.
Smith, G. R.
Staunton, Sir G. T.
Steuart, R.
Stock, Dr.
Strickland, Sir G.
Thornley, T.
Turner, W.
Vigors, N. A.
Vivian, rt. hn. SirR.H.
Wall, C. B.
Wallace, R.
Walsh, Sir J.
Williams, W.
Wood, B.

TELLERS.

Duncombe, T.
Hume, J.

List of the NOES.

Ashley, Lord
Bagge, W.
Bailey, J.
Baring, H. B.
Bramston, T. W.
Brownrigg, S.
Buller, E.
Clerk, Sir G.
Darlington, Earl of
Dick, Q.
Eastnor, Visct.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, J.
Grey, rt. hon. Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Grosvenor, Lord R.
Hardinge, rt. hn. SirH.
Hepburn, Sir T. B.

Herries, rt. hn. J. C.
Hogg, J. W.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hurt, F.
Kelburne, Visc.
Lygon, hon. General
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Mordaunt, Sir J.
Neeld, J.
Pakington, J. S.
Palmer, R.
Palmer, G.
Powerscourt, Viscount
Round, C. J.
Rushout, G.
Rutherfurd, rt. hon. A.
Sandon, Viscount
Sanford, E. A.
Shaw, right hon. F.
Smith, A.
Smith, R. V.
Style, Sir C.
Thompson, Ald.
Villiers, Viscount

TELLERS.

Seymour, Lord
Maule, hon. F.

WAR WITH CHINA. — ADJOURNED DEBATE.] Adjourned debate resumed.

Mr. *Hogg* trusted that that indulgence would be extended to him which had been given through the debate to other Members. It was his intention to make his address as brief as possible, by confining himself as nearly as he could to the terms of the motion before the House. There must have been something very inconvenient in the form of the motion to Gentlemen on the other side of the House, for they had every one of them complained of its terms. The right hon. Gentleman the Member for Edinburgh had expressed his surprise that the motion had been limited to the past conduct of the Government, and he congratulated himself and his colleagues that no censure was expressed or implied on their present conduct and policy. The right hon. Gentleman added triumphantly, that the charges were confined to matters of omission. And how did he answer the charges of omission? He did not attempt to reply to the allegations of the right hon. Baronet, or to those of the hon. and learned Member for Exeter. The right hon. Gentleman at once and almost exultingly admitted the omissions, and attempted to withdraw attention by passing an eloquent panegyric on that omission, although it had led to the most disastrous consequences. The right hon. Gentleman denied the consequences, but acknowledged the omission, and devoted the greater part of that eloquent and powerful speech, which was heard with so much admiration and delight to describe the advantages of withholding instructions from a public servant at a distance. To illustrate the folly of giving him those instructions, the right hon. Gentleman said,—

"You are justified in giving instructions to a public servant in Paris, or at the Hague; but you are guilty of absurdity in giving instructions to an officer who is at a distance—who is placed in circumstances new and trying, and, above all, if he anxiously implores to you to give him instructions, and adds his opinion that the best interests of the country are at peril if those instructions are withheld."

With respect to the motion not embracing the present policy of the Government, his hon. Friend the Member for Wiltshire offered a suggestion which was received by the other side with taunts. His hon. Friend said, that the right hon. Baronet had avoided the question of war lest it should embarrass the Government. Although hon. Gentleman opposite could scarcely be expected to give credit for such motives. For his part he would not have adverted to the question of war, as it was not placed in the resolution, but for the concluding part of the speech of the right hon. Member for Edinburgh. He should be sorry to give any vote or express any opinion that would tend to impair the energies of the Government, or to embarrass the measures which they might think the interests of the country required. But he had formed an opinion as to the question of war and of the warlike policy of Ministers; he did not wish to conceal that opinion. The opposition had been taunted with questions, as to the course they would pursue. He would freely state his opinion as to that course, and it was that under existing circumstances he did not think her Majesty's Government could treat with the Chinese authorities effectually or with honour, except with the support of an armament. He freely admitted that, and he did not arraign the conduct of her Majesty's Government on that score—he arraigned their conduct, because their imprudence and neglect had led to the exigency. He hoped, for his part, the opinions expressed by his hon. Friend the Member for Liskeard, and by the hon. Member for Lambeth, would be attended to with respect to our armament, and our power would be exercised with humanity. But whatever the struggle might be in which this country was engaged, he never would express any doubts as to the result. He knew there could be but one result. We had, however, some experience of the countries and the confines of China; we knew something of Nepaul. The Nepaulese were undoubtedly the most formidable force we had encountered in India, and they were a power from whom we had still much danger to apprehend. He remembered that when Mr. Auchterlonie had expressed his astonishment that a people so brave as the Nepaulese should have been worsted by the soldiers of China, the answer made to him was, that he did not know the people of China or their warlike character. We had, also, some experience of the Burmese, and they were a nation strongly resembling the Chinese in character and religion. He, therefore, thought that the seven millions spent already in a fruitless war should now enjoin caution. He had said, however, that he apprehended nothing as to the results of a struggle with China, and that there could be but one result to any war in which this great country might be engaged. But he looked with horror even to success. He knew that the forces we might send to China must be irresistible, but he feared that the confidence of the population being once shaken in the government of that country, they had reason to apprehend the most disastrous consequences from a civil conflict among a population of 300,000,000. He knew we might blockade the coast of China, and we might stop the conveyance of rice and other necessaries of life, to that country. We might add to the horrors of war the afflictions of famine, but what, he would ask, would be the result to ourselves? Putting the expenses of the war out of the question, what, he would ask, would become of a mart for upwards of 2,000,000*l.* of our manufactures, which might be closed for many years to come —what would become of our trade in an article which was no longer a commodity or a luxury, but almost one of the necessaries of life? We might cut up the trade, and we might perhaps be thus debarred from even commerce with China for many years. He would not, however, pursue that subject any further than to express a hope, that whatever demands might be made on China, every peaceful expedient would be exhausted before we proceeded to extremities with that country. He was certainly alarmed at the tone and temper of the conclusion of the speech of the right hon. Member for Edinburgh, and he hoped that right hon. Member was the only person attached to the Government who entertained such opinions as he had expressed. He wished to believe that that right hon. Gentleman had been betrayed by the intemperance of debate into the expressions he had used, and he hoped the tone of the Cabinet would be more pacific than that of the right hon. Gentleman. He spoke of wrong inflicted on our flag. The House should bear in mind his illustrations. The right hon. Gentleman spoke of Plessy and of Cromwell. The House had cheered the expression quoted, but not the illustration; for what were the circumstances? A conflict took place between some English sailors and natives on the coast of Malaga, and the priests interfered, and Blake said, unless the priests were delivered up to him within a few hours, he should burn and sack the city. He hoped the illustrations of the noble Lord, the Foreign Secretary, would be of a different character. His hon. Friend, the Member for Portsmouth, had complained bitterly of the terms of the motion, that they had not introduced into it the real source of the war—the trade or cultivation of opium. He wished them to put into it something which, though it might not induce him to support them by his vote, would induce him to support them in opinion. The hon. Members on the other side made the old and hacknied charges of its being a party question, brought forward for party purposes; the hon. Baronet complained no calamity could happen to our flag or armies, but the Ministers were charged with it. He was sorry to say, since they had been at the head of affairs such calamities had been frequent; and they should never occur through the misconduct of Ministers without their hearing of it from that side of the House. It was said, that the right hon. Baronet had framed his motion to catch votes—that he had not met the question boldly. Now, that was a most extraordinary imputation, and if the motion were framed to catch votes, it would have been framed to catch the anti-war men. It would have denounced the war instead of avoiding it. It was well known that there were many hon. Members in that House who were so opposed to war that they would vote for any motion which included its denunciation. His right hon. Friend might have included the opium question, upon which it was well known that a strong feeling existed in that House, and had he only reprobated it, he might have caught at least twenty votes. The right hon. Baronet, however, applied himself exclusively to the censure of her Majesty's Government. It had been urged by the hon. Members for Lambeth and Liskeard, that the Members of the former Administration had shaped their measures so clumsily and awkwardly, that to them was to be attributed the whole of the present difficulties. If that were so, why did they not support the present motion? If they admitted that the conduct of the Government in 1833 was wrong, how could they now get rid of the charge? [Lord *J. Russell:* That is not the motion.] He understood that it was. He would read the terms of the motion, which attributed the outbreak with China to the want of foresight on the part of her Majesty's advisers. [Mr. *Hawes:* You omitted a word. "Her Majesty's *present* advisers."] He was really at a loss to understand the interruption, unless it was that the right hon. Baronet was the top and soul of the Government, although neither he nor the noble Lord, who might be termed almost exclusively the Administration, no longer sat upon that side of the House. He hoped, however, the right hon. Gentlemen, the Secretary-at-War, and the noble Lord, the Secretrry for the Colonies, would admit the identity of the present Government. The hon. Member for Liskeard had stated, the House had not adequate information before it, and that it knew nothing at all about the matter. He would show that the House knew everything relating to China, that every single individual competent to afford information was examined before both Houses of Parliament, that every paper was laid before them, and that all the information they were in possession of then, they were in possession of at the present moment. It was clearly shown that the Chinese jealousy excluded strangers from the interior, that they admitted no diplomatic relations with foreign states, that they admitted no resident political public officer, that foreign ships were admitted into no ports but Canton, that at Canton foreigners were admitted not to trade with merchants generally, but only with a select few, constituting a monopoly called the Hong, and that the Chinese required strangers, when communicating with them, to adopt the form of a petition or humble request. It was also shown, that the trade was managed by supercargoes, and that they were not a political body. The attention of Ministers was called to the subject in both Houses of Parliament, especially by the hon. Member for Portsmouth. The hon. Member for the University of Oxford also pointed out the inefficiency of the new authority proposed to be substituted for the supercargoes. Lord Ellenborough also called the attention of Ministers to the subject in the House of Lords, and said, although they appointed the superintendents to succeed to the duties, yet they would not succeed to the influence of the supercargoes. The hon. Member for Liskeard should have read the papers more fully before he said that the East India Company had authorised appeals to the natives, whereas the Company had distinctly disapproved of it. He did not disapprove of a public officer like the Canton Superintendent being left with discretion, but he objected to discretion being accompanied with no powers. It would be said, perhaps, that the right hon. Baronet, the Member for Pembroke, was equally accountable for this, but that would not exculpate the present Government. He considered the specific instructions which had been sent by the noble Lord, to have led as much as anything to the present cessation of our friendly intercourse with China. Lord Napier went to China as a political officer; and what happened during his residence there, and what was the conduct he pursued? He extremely regretted to be obliged to speak on this subject, as no one was more anxious than himself to avoid hurting the feelings of any surviving relative of that nobleman; but the result of his conduct was of the utmost importance to this nation; therefore he was under the necessity of calling the attention of the House to it, as he thought the right hon. Baronet had not treated it with the attention it deserved. Lord Napier landed at Macao on the 25th of July, and proceeded at once to Canton without asking leave; he arrived in Canton in the middle of the night, and thereby enabled the Chinese authorities to state that he arrived clandestinely. He demanded direct communication with the viceroy—he rejected the usual channels of communication, and paraded most injudiciously his authority, in consequence of which the Chinese authorities refused to recognise him as a political officer, which occasioned the rupture. He wanted to prove that her Majesty's Government, within one year after Lord Napier left England, had full information of these events. He thought the good sense in these papers was all on the side of the Chinese. They said to Lord Napier—

> "Who are you; if you come to perform the same duties as your predecessors you must perform them in the same way; they conformed to our usage, and you must do the same. It is an old saying, when you come into a country inquire into its customs; there is no necessity for a political officer, he would only embarrass us."

Nothing could be more moderate or appropriate, but he was sorry he could not say the same of the proceedings of his Lordship; his conduct was calculated to excite the greatest possible apprehension. He gave a narrative of his proceedings, which, if they did not alarm the viceroy, he (Mr. Hogg) knew not what could. His Lordship said—

> "I will communicate with the viceroy directly in a manner befitting her Majesty's Commission, and the honour of the British nation."

He said—"I will compel the viceroy to receive my letter," and informs the noble Lord, that although they had forty thousand men garrisoned at Canton they had issued four edicts against him, and asked the noble Lord,

> "What he would do if a Chinese landed at Whitehall?"

He said—

> "The Emperor should accede to the treaty he would propose to him, or take the consequences."

He did not like to read much of those papers, but if these letters and proceedings of Lord Napier did not excite alarm in her Majesty's Ministers, he was at a loss to know what could. But, although within twelve months after Lord Napier's departure, the noble Lord must have known all this, it was not until sixteen months afterwards that the noble Lord wrote a single line, and the House would be astonished to hear, that in his first letter, the noble Lord did not advert to the proceedings of Lord Napier, nor impugn his conduct. He knew what was passing in the minds of Gentlemen opposite. The Duke of Wellington was then in office, and there was a fact in connection with the letter of the Duke of Wellington, to which attention had not been called—"Never did an individual get such credit for a few lines, and after all, there is not much in them," said the hon. Member for Liskeard; but he begged the attention of the House to this fact. The despatches of Lord Napier arrived at the Foreign-office on the 31st of January, but one day passed, and the Duke of Wellington wrote a letter, desiring his attention to the instructions which had been given him, to conform to Chinese views, and pay attention to their prejudices. And this was not all: the Duke considered this matter of sufficient moment to be brought before the attention of the Cabinet, and the memorandum which had been so often alluded to was framed within six weeks after, in which he mentioned his views on the subject to be submitted to the Government. Let the House contrast the conduct of the Duke of Wellington, who wrote this letter one day after the receipt of the despatch, and that of the noble Lord who wrote sixteen months afterwards. Frequent allusions had been made to the documents relating to the period when Mr. Davis and Sir George Robinson were in office. Matters of form were treated in two ways by Gentlemen opposite as best suited their purpose. If he said the noble Lord gave undue attention to matters of form, and neglected matters of substance, hon. Gentlemen immediately said, that matters of form in China were matters of substance; that he did not deny, but he wished to call attention to the fact, that they had not observed Chinese usages. Mr. Davis and Sir George Robinson were in China as superintendents together for two years, and during the whole of that time, her Majesty's Commission was not acknowledged by the Chinese, nor did any communication exist, directly or otherwise. They stated to the noble Lord there was no hope of communication without abandoning the attempt to communicate directly; Sir George Robinson stated the success of the quiescent policy. The noble Lord received this on the 6th, and on the next day the noble Lord wrote a letter superseding him. Captain Elliot saw the expediency of following the course adopted by Mr. Davis and Sir George Robinson, and did not attempt to press the point, and by remaining at Macao, conforming to their usages, and applying for a pass, he obtained the advantage of direct communication, and was going on well with the Chinese authorities, but what was the result? In his first despatch he said, that he would not insist upon direct communication, and that he had obtained leave to go to Canton. On the 21st of November, 1837, Captain

Elliot received a despatch from the noble Lord, dated the 12th of June, in which he was ordered to communicate directly, and forbidden to use the word "Pin." On the 23rd, Captain Elliot communicated to the Chinese authorities the despatches he had received, and the consequence was, he was obliged to leave Macao, and all communications ceased. He had trespassed long on the House, but he wished to call attention to one more point. It was said, "what instructions would you have given?" But he said, if he could show that a public officer, whose duty it was to give instructions, had neglected his duty, and given none, that of itself was a substantial charge. Suppose, as suggested by the hon. Member for Newark (Mr. Gladstone), the noble Lord had not opened the letters. It was said, "What did it signify to show that if he had done so, some good would have come of it?" They might push that argument as far as they liked; it was enough for him to say, that there had been negligence on the part of the noble Lord, and that blame attached to him for it. If the noble Lord had told Captain Elliot to go to China without instructions at all, that he knew so little about it he was unable to instruct him, he could have understood that course. But that was not the case. The noble Lord sent a commissioner, proposing to instruct him, and giving him authority; and in point of fact, the instructions the noble Lord did give him were specifically wrong, and the others were not such as the occasion required. The right hon. Member for Edinburgh, asked what was the use of the noble Lord's writing, and the hon. Member for Liskeard said, he was a bad correspondent; but this was a jocose way of meeting the question. If he showed those letters excited alarm and apprehension, and that the noble Lord had not paid the slightest attention to this despatch he thought he should fully justify the cnarge brought against the noble Lord. He would read a few extracts which he thought must have given alarm to the noble Lord, and have shown him that our interests in China were at stake. Mr. Davis and Sir George Robinson in every letter they wrote, more or less earnestly required instructions. On the 19th of November, 1835, one of those gentlemen wrote—

> "I feel assured I shall have the honour of receiving instructions by the earliest opportunity, and that I have fully impressed your Lordship with the importance of the subject."

On the 27th July, 1837, Captain Elliot wrote—

> "It is a confusion of terms to call the opium trade a smuggling trade;" and added, "the Chinese will probably commit some cruel violence, which will make any choice but that of armed interference impossible."

On the 3d of February, 1837, Captain Elliot sent home the discussions as to legalising the opium trade, which were received at the Foreign-office in July. In that letter he said,

> "The opium in future will be conveyed in British boats, and conflicts between the Chinese and British subjects is certain. As to the King's ships, your Lordship, I hope, will consider I am justified in assuming the authority to do what can be done safely, and without inconveniently committing his Majesty's Government towards the relief of a most important branch of the trade."

He read the extract, not to impute blame to Captain Elliot, but to show it was well calculated to excite alarm in the mind of the noble Lord. The right hon. Member for Edinburgh assigned this legalization of the trade as a reason for not writing, because it was expected the thing would be settled. It was easy to say that. It was necessary to refer to papers, otherwise Gentlemen opposite complained they dealt in bare assertions. On February 7th, 1837, Captain Elliot sent home edicts, the strongest that had ever issued against British subjects and British trade, commanding their immediate departure, and, as a great favour, extending the departure for half a month more. On the 19th of November, 1837, Captain Elliot wrote to say, that the Chinese authorities were so vigilant that they threatened to burn the vessels, and that the whole British trade with China was in danger. On the 2nd of January, 1839, he complained that no reply had been sent to him, and said, that the security of the trade depended on fresh and more complete instructions being forwarded to him. These complaints were repeated on the 30th of January, 1839. He had, he thought, now stated enough to show that there existed the strongest necessity for some reply to the urgent applications of the superintendent. The hon. and learned Member for Liskeard said last night, that if hon. Gentlemen would look into the blue-book which contained all the papers upon this subject they would find that the noble Lord had given a prompt reply ten months after the receipt of every letter he had received. But where were those replies, if such even was the case? He affirmed that the noble Lord had never, except in one despatch, alluded at all to the subject of those urgent letters. He could only say, in conclusion, that he was well aware that the whole matter was a delicate and difficult one, but he must maintain that that was only an additional reason why the noble Lord should not have delayed to have replied to those letters, and to have sent out further instructions for the guidance of the superintendent.

Sir *S. Lushington* held it to be matter of the deepest importance, not only to the interest, but to the honour of this country, that the question now before the House should be carefully and dispassionately considered. There could not be a shadow of doubt that China had a perfect right, he would not say by the law of nations, but by every principle of justice and equity, to prohibit the opium trade, if she so thought fit. She had a right to do more —she had a right to say, " If you persist in your endeavours to carry on the trade which we have prohibited, we will exclude you from all other trade ;" and after due warning of her intentions with respect to that trade, she had a right to seize and punish according to her own laws, every British subject whom she detected in the act of carrying on the trade. He must be allowed to say one word before proceeding further, as to the principles which ought to govern our relations with China. He admitted that the code of law called the law of nations, could not be rigidly applied to a country so singular and so strange as China—a country half-civilised, half-barbarous—a country that formed an anomaly in the history of nations. But although he discarded the rule of the law of nations as governing our relations with China, he must observe, that if we were to carry on any intercourse at all with that country, it was imperatively necessary that our relations should be governed by the great principles of ordinary sense. Now, with respect to the trade in opium—that trade had been a monopoly, or a *quasi* monopoly, in the hands of the East-India Company. It had grown up to such an extent, that he believed it might with truth be said, that not a thousandth part of the quantity of opium exported from India, and introduced into China, was used for medical purposes. It was a trade that had been fostered for the love of gain, and by the misery of hundreds of thousands of human beings, a large acquisition of lucre had been purchased. He must say, that he more than doubted whether it were consistent with a due regard to the most sacred obligations that subsisted between nation and nation, and between man and man, that we should have thus fostered and encouraged, for our own pecuniary advantage, a trade that tended to the destruction of the constitution and faculties of hundreds of thousands of people. Generally speaking, no nation took any notice of the violations that might be committed by its own subjects upon the fiscal laws of another country. Every nation was supposed to be capable of maintaining and enforcing its own laws and regulations; and, indeed, there would be an endless scene of confusion and dispute, if one nation were to undertake to judge of the laws and fiscal regulations of another. For the sake of the argument, however, he would hold that China was not bound by this principle; and he would suppose that China said to Great Britain, " We have no power to enforce our law to prevent the importation of opium—we have done our best to prevent it—now we call upon you to do that which, between nation and nation practising the code of the civilised world, you could not do—but now we call upon you to interfere for the purpose of extinguishing this trade." In such a case, he did not say that he should turn a deaf ear to the prayer of China. But he would now come to facts. Let the House look at the actual state of things, and see whether China had, upon any principle, he would not say of national law, but of equitable dealing between nation and nation, any right to prefer such a claim upon the British Government? Why, the opium trade was prohibited by edict upon edict from 1796 up to 1836; but those edicts were mere waste paper, and were no more regarded than the proclamations that were stuck upon the Admiralty walls. They were literally useless to all effectual purposes. Whether the Emperor had the power to enforce them or not he (Dr. Lushington) pretended not to say, but what he did say was, that he who undertook to delegate powers of government to others, was bound to appoint just and honourable men—men who were competent to fulfil his will, and enforce his claims; and that if those men did, on the contrary, deviate from their duty, and were guilty of contravening their own laws, and if the trade in opium was flourishing, not, as it had been said, up to 1836 only, but as he knew, up to 1839—then he would say, that it was a mockery to suppose that the Emperor of China, who had not been able to restrain his own subjects, had even a semblance of right to call upon England to suppress that trade. With great deference to his hon. Friend, the Member for Newark, he must be permitted to say, that his hon. Friend did not grapple with the argument which he had humbly endeavoured to state. But his hon. and learned Friend did say, that there was a period when things became totally changed, and when it did become the duty of the British Government to interfere, prohibit, and put down the trade. He admitted that his hon. and learned Friend made a most able speech last night. It was indeed a most memorable speech. It was a speech he should never forget, nor, he believed, would the people of this country forget. It contained doctrines and principles which he would not describe in the terms of horror that struck him at the time it was delivered. In that memorable speech his hon. and learned Friend said, that a time had come when the government of this country, having been apprised that the Chinese authorities had failed in their exertions to suppress the opium trade, ought to have felt it their duty to interfere and put it down. Now, he wanted to ask this question.—If there was such a time, when did it occur? Was it in 1836, when we received the first intimation of the attempt, on the part of the Chinese, to enforce the laws against the opium trade? Why, the first edict was not carried into effect. Was the trade in opium stopped? When he looked at the statement that was made by the hon. Gentleman who represented England in that country, he found that it was stated as far down as the despatches received in December, 1838, that there had been no effectual prevention of that trade. How was the Government at home to form its opinion as to whether those edicts were fairly intended to be carried into effect or not? It would be granted that, before they could assume that an edict for suppressing the opium trade would be carried into effect, they must look to something more than the mere terms of the edict itself. Now, what had the government at home to oppose to the edict of the emperor? They had the practice of forty years. They had edict upon edict, repudiating the trade, drawn up in all the bombast of Chinese magniloquence, empty of meaning as air, and as ineffectual as blank paper. This was their experience. What was the opinion of him, whose opinions were worth having upon this subject, that of their own superintendent? True it was, he said he was convinced that these edicts were in order to put down the opium trade. But was this opinion known till long after December, 1838, when it was too late to interfere? But was his the only opinion? No. In the despatch received in December, 1838, it was stated that the trade was going on as usual, both the regular trade and the opium trade. Further, what was the opinion of those two hundred persons who had resided in China for a considerable period, more or less, and who were best acquainted with the court of China, and with the proceedings in China? Were they not one and all of opinion, that in reality and in truth the opium trade was not about to be put down? Was it not their opinion, and the opinion of every one almost to the last moment, that the final edict was but mere chicanery and sham, for the purpose of doing what? What had often been done before—for the purpose of extorting fines and money from the traders. He would, however, at once declare, that with regard to the timely interference of this country for the suppression of the opium trade, no such period had yet arrived. It had been truly said, that this country was well acquainted with the nature of this trade in 1833. That was perfectly correct, and the hon. Gentleman who made that statement had given a most accurate representation of the evidence adduced in support of the proposition to suppress the trade. But what did Parliament do? It resolved to maintain and keep up the trade. Now, mark, the Duke of Wellington succeeded his noble Friend (Lord Palmerston) as Secretary for Foreign Affairs, in November, 1834. The despatch announced the two edicts against the opium trade, was dated the 2nd of November, 1834. That reached the Duke of Wellington when in office. Now, did the noble Duke—and, mark, he was not speaking in the slightest degree in depreciation of what the noble Duke did, because he thought that the noble Duke acted wisely, prudently, and like a Statesman—but did he, in his letter, though told of the edict, take the slightest notice of the opium trade, or give the least intimation to the superintendent to suppress it? It might be said that that communication to the British Government was not warning enough. What, then, should have been a warning? Another edict? The hon. Member for Newark said, that he knew the superintendent could not put down the trade without authority. What power would the hon. Gentleman have given to the superintendent to put it down? He would, for the sake of argument, grant that the Government of England should send out to their superintendent a despatch in such terms as these:—

> "We, the Government, upon our responsibility, invest you with power to drive the opium trade from Canton, from Lintin, and from every part of the coast of China. We order you to do it."

Let them look a little at the nature of these instructions, and of the consequences that might flow from them independently of the outcry that would have been made by the commercial world, independently of their seeing the Sheriffs and the Lord Mayor of London again at the bar of the House with petitions from all quarters, asserting the independence of trade, and alleging the great losses to which those engaged in that branch of commerce would be subjected, and dwelling with great earnestness upon all those topics which were enlarged upon with infinitely greater ability than he could command by the right hon. Gentleman, the Member for Pembroke. But, independently of all this, let them suppose that Captain Elliot was invested with these powers; he would further suppose that Captain Elliot succeeded, and that the British traders agreed to submit, and to go away from Canton and from Lintin. Would that stop the opium trade? Would not, then, the consequence be, so long as man was man, and so long as the love of money could overcome every principle that ought to govern the human breast, that the scene only of the traffic would be changed? Canton and Lintin might indeed be freed from this dreadful drug, but it would be imported along the whole coast of China. What would be the consequence then? It would be this—that having given these powers to the superintendent, and he having succeeded in removing the trade from Canton and from Lintin, it would be holding out to the Chinese government, that he had the power to stop the trade. It would be saying to the Chinese government—contrary to the whole policy that had been hitherto pursued; contrary to the whole policy observed during the time of the East India Company, when the legal trade was held to be separate and distinct from the opium trade, and with which the company declared they had no concern; contrary to all that had been done by Captain Elliot and his predecessors; contrary to all these, it would be saying to the Chinese Government—

> "We have authorized and empowered our superintendent to put down the trade, and he has succeeded thus far."

What would then be said by the Emperor of China to the British Government? Why, what had already been said by him, with less prudence and justice—

> "If you have this power and authority, don't tell me of driving the trade from one port, and from one place only; extinguish altogether British commerce in that article which is so destructive to my subjects, which is so ruinous and deleterious, whether it is imported at Canton, or shipped at Maaao, or whether it is scattered over the eastern coast of China."

How this country would ever have got out of that difficulty, he confessed it was beyond his power to conceive. In his opinion, most wise and most prudent was the conduct of those who abstained from giving such instructions, and he thought that the conduct pursued by the superintendent, generally speaking, was wise and prudent, in abstaining from having any concern with the trade. Ministers had wisely washed their hands from all the responsibility of a course of policy which no power on the part of this country would have been able satisfactorily to have maintained. He, therefore, was prepared to defend the absence of specific instructions. The hon. Member for Beverly referred to the instructions of 1833, and insisted that the culpable neglect of Ministers must blot their names out of the list of statesmen. The hon. Member also referred to the power of the supercargoes in being able to withdraw the licenses; but it should be remembered that the power was taken away by Act of Parliament. With respect to the superintendents, they could not be vested with greater power than that which had been given to them, and one of the reasons was, that the Chinese authorities refused to receive or acknowledge them in a diplomatic character. What further powers did the British superintendent in Canton require? There was already an Admiralty court and a court of justice established there. The new powers could only be required for the transaction of civil affairs, and for the settlement of accounts and debts between British merchants and foreigners, or for the purpose of enabling the superintendent to exercise a control over the British trade, and to drive it out of the port of Canton, if he thought fit. Now he came back to the question again, and asked, would any man have dared to have conferred such a power upon the superintendent? Would any man have dared to violate the resolution of the Committee, and the confirmation of it by that House? Would any man have presumed to take upon himself the responsibility of investing any single individual fifteen thousand miles from England with that power which was not given by Parliament even to the Government itself. He would say that they could not, they durst not, and they ought not to have conferred such powers—that no case had been made out that could have rendered any such policy wise, prudent, or salutary, or had shown that, if adopted, it would have been calculated to prevent the evils which had since occurred. He would now address himself to another point, and he regretted that his hon. and learned Friend the Member for Exeter (Sir W. Follet) was not present while he drew the attention of the House to the complaint that no sufficient instructions had been given to the superintendent. "You would give us no instructions," exclaimed his hon. and learned Friend, who, with that ingenuity and power which universally characterised his great talents, though, perhaps, not with all that candour which generally accompanied his speeches, dwelt upon this part of the case with great earnestness. Now he (Dr. Lushington) would trouble the House with scarcely more than a single reference to one of those very despatches to which his hon. and learned Friend had adverted in such glowing terms. The charge of his hon. and learned Friend against the Government was, "You have neglected your duty; you were warned by Sir George Robinson, in his despatch of the 1st July, 1835; again and again instructions were demanded, and you have neglected to fulfil your duty by meeting that demand. You ought to have invested the superintendent with ample powers with respect to the opium trade, and the proceedings of, and negotiations with, the Chinese government; but you were negligent of your duty; forgetful of your great responsibility, you have omitted to do all this, and the sin lies at your own door." After having stated this with all the ability and earnestness that was natural to him, his hon. and learned Friend immediately referred to this despatch of Sir George Robinson; but what was his astonishment, when, on reading that despatch, he found that it related to nothing whatever but the settling of certain accounts between a firm of British merchants and one of their debtors, and to the want of power to bring civil actions, or enforce payment between man and man, and was as foreign to the opium trade as if it had been a despatch from North America or New Zealand. His hon. and learned Friend was in such a hurry to come to his accusation, that he overlooked the first paragraph of the answer, which would have explained the difficulty and dilemma into which he was plunging himself. The answer to that despatch was to be found in page 128, and run thus:—

"Viscount Palmerston to Captain Elliot.

"Foreign Office, Nov. 8, 1836.

"Sir—With reference to my despatches of this date, containing the opinion of his Majesty's Government upon the cases of Mr. Innes and Mr. Keating, I think it right to state to you that his Majesty's Government are fully aware of the inconvenience arising both from the undefined state of the jurisdiction of the superintendents in China, and from their want of power to enforce decisions to which they may come, on matters submitted to them by members of the commercial body in China. The general question as to the nature, extent, and powers of the future establishment in China, is now under the consideration of his Majesty's Government; and I am in hopes that at no distant period, some effectual remedy may be provided for the inconvenience to which I have more particularly adverted. In the meantime I have to recommend to you to confine your interference, when called for, as much as possible to friendly suggestion and advice to the parties concerned. The assumption of powers which you have no means of enforcing, and the issuing of injunctions which are set at naught with impunity, can only tend to impair the authority and lower the dignity of his Majesty's commission in the eyes of those by whom it is of importance that it should be looked up to with respect.

"I am, &c.

(Signed) "PALMERSTON."

This was the answer; and yet his hon. and learned Friend contended that this was a demand for instructions for regulating the intercourse with the government of China, and for enforcing prohibitions against the trade in opium. He begged to ask, whether this charge was sustained. Why, if the superintendent was to protect British merchants, and endeavour to accommodate their differences — why, he asked, was the bill which was framed for the express purpose of answering that very despatch opposed. It might be true that England had no right to found any court of justice, either civil, or criminal, or admiralty; but if so, then they had no remedy to give for the evils complained of, and they could not therefore charge upon his noble Friend that he had not performed his duty. The hon. Member had said, "we charge you with being guilty of omissions," and replied, when asked to point them out, "what have I to do with pointing out what those omissions are, or what we would have done in similar circumstances." What was an omission? It was the neglect of doing something that was proper to be done; but before any one could be charged with neglect, it must be shown what it was that was proper and fitting to be done. There was no such thing as culpable omission *per se*. There was nothing inconsistent with duty in not doing what nobody had yet been told was necessary, fit, or proper to be done. Then it was alleged that there were no detailed instructions. Did the Duke of Wellington think there was anything wrong in the suppression of details? There was more wisdom in what the noble Duke did not do than in what he did do. Observe what he did. Before he wrote the only despatch he ever sent out, he knew of all the proceedings with respect to the China government. Lord Napier wrote to the Duke of Wellington upon a vast variety of questions and of circumstances that might possibly occur. But the Duke thought that he had done enough, when, instead of entering into the particulars of transactions which must have been of a bye-gone date before his despatch could have reached China, he referred to those general principles which had been laid down by Lord Palmerston for the conduct of the superintendent, it being impossible to lay down any specific rules respecting transactions and circumstances which must, by the necessary operation of things, and still more so from the capricious disposition of the Chinese, and from their constant vacillations, have been as much at variance with any instructions he might have sent out, as if they had not reached that country for seven years afterwards. There was only one other point he would dwell upon, namely, the course of policy which the British Government was now pursuing. He thought that course found perfect justification in the existing circumstances, and that they were fully warranted in proceeding by means of an hostile armament to obtain reparation at the hands of the Chinese. Greatly, indeed, should he deplore if this motion were founded in truth; and if it could be shown, with any semblance of probability, that any neglect on the part of the Government of this country could have led to the lamentable results which had already taken place in China, or could have tended to the interruption of the valuable trade carried on between England and that country. He had taxed his ingenuity to endeavour to discover what were those measures within the competency and power of any government—he had almost said of Parliament itself, which would have averted those consequences which had most calamitously ensued. But even if it were true that the British Government were dilatory in issuing instructions to the superintendent in China, and if they had neglected the opportunity of doing what they ought to have done, still nothing, according to every principle of justice and eternal truth, could justify China in those measures to which they had had recourse. He would discard the law of nations—he would look alone to the law of God and to the law of man, to those eternal principles which must exist so long as man and man had the power of conversation and intercourse with one another. The hon. Member for Newark, he was distressed to say, had gone the whole length. He trusted that those who followed him in this debate, might not tread in the steps of the hon. Member for

Newark. He respected that hon. Member—he admired his talents—he knew the hon. Gentleman to be a powerful champion in every cause he thought to be right, but he owned he should never cease to reprobate the argument which the hon. Gentleman used last night, or to avow his abhorrence of the doctrines the hon. Gentleman endeavoured to maintain. Upon what principle could the seizure of men, who were living in Canton under the protection of that country's usages, be justified? Upon what principle could those men be made responsible for the offences of others? Not only were those 200 persons without any proof of trial maligned, but they were seized; and then, under the greatest durance, and under the threat of their being suffered to die by starvation, they had not only their own property extorted from them, but in order to enrich the Chinese government the feelings of their countrymen were likewise practised upon to compel them to surrender property, in order to save the lives of those long enduring and most innocent persons. That was an act of atrocity that no usage, no custom, no respect to popular prejudices in China, ever would, or ought to allow England to endure, much less to sanction. It was a grievous sin—a wicked offence—an atrocious violation of justice, for which England had the right, a strict and undeniable right to demand reparation by force if refused peaceable applications. What followed? Expulsion. Was it expulsion alone from Canton? No: it was expulsion to Macao, which was in possession of the Portuguese. To this place they sent unoffending men, women, and children. What next? Why that very practice, which from all history from the earliest days in which it ever was attempted, from the days when it was practised in Egypt, now probably 2,500 years ago—even during the time of open war, and even at periods when it might be said almost to be done in self defence, had met with the unequivocal reprobation of all the world—the practice, not of cutting off the supply, but of poisoning that source of life by which not the enemy alone, but innocent women and helpless children, were indiscriminately exterminated, and yet, to his everlasting wonder and astonishment, there fell from the hon. Member for Newark another ever memorable expression. The hon. Member said, that the English were ordered to quit; they did not obey; they were deprived of provisions; and, "of course," continued the hon. Member, "the water was poisoned." Those were the very words; he had heard them at the time; they were so reported; and they were true. He might go on if, indeed, more were wanted; he might tell of the attempt to set fire to the English dwellings, to drive them away; but of what use was it to go on?—there was already ample justification for the course that the Government had taken; and he said, when he considered all the causes which had led to the rupture, that the position was quite clear that England was, by every principle of right and of justice, entitled, and that she had authority, by the law of God and of man, to demand redress; but, be it understood, not for a war of blood and of reprisals. He hoped that there would be a satisfactory issue, whether from fear or from a love of justice; and the time would be when the Chinese government should see that Great Britain was in earnest—not to go to war, as it was falsely alleged by some, for the purpose of forcing upon the Chinese the opium trade, for that had been wickedly and falsely alleged for base and mean party purposes, for it was alleged by those who ought to have known, and who he believed did know, the contrary—not in earnest, for the purpose of forcing the opium trade or any other trade upon the Chinese, because that we had no right to do—but in earnest, in requiring and demanding a just reparation to be made for the outrages that had been committed; to place the trade on a footing of mutual advantage for both countries, and yet with the full consent of the Chinese government; and to establish an amicable, and, as he trusted, a lasting traffic. He had now done, and, in giving his vote against the motion of the right hon. Baronet, he had stated his opinion fully on the opium trade, and on the charges against her Majesty's Ministers, which he did not believe to be substantiated; and he was satisfied that, when the country became acquainted with the subject, and that when the merits of the case were sifted, they would agree with him in opinion that no precaution, and that no foresight, on the part of the Government, could have anticipated or could have prevented the present calamities; and that no instructions which could have been given would, according to the terms of the motion, have had any effect in preventing the rupture, whether those instructions had related to the opium trade or not; for, to say that any such effect would have been produced if they had referred to a trade which had been so long permitted, which was so closely connected with the feelings of the Chinese, which never could have been broken off without producing a rupture, and which it was in evidence that the Chinese were determined to continue, even at the risk of their lives, did appear to him to be absurd.

Viscount *Sandon* felt himself called on, by the deep interest which he took in questions of this nature, to trouble the House with a few remarks. He should be satisfied though the present motion were lost, if he thought that the eloquent denunciation of his right hon. Friend would have the effect of at length bringing the minds of her Majesty's Ministers to a deep and serious consideration of this iniquitous traffic in opium. Although the Chinese government might have winked at that trade as long as it was confined mainly to the port of Canton, he thought that the language of Captain Elliot himself, in allusion to the fresh edicts of the Chinese government against the opium trade, ought to have convinced a wise and provident Ministry of the necessity of looking to the subject, with the view of adopting some remedial measures. Down to so late a period as May, 1838, some doubt seemed still to hang over the mind of the authorities in China as to what course the Chinese government should take upon this great and important question. But he thought that the despatches received at that moment called for a serious consideration of the question by the Home Government. In a despatch, dated November 18, 1837, and received May 5, 1838, enclosing a series of four edicts upon the subject of the opium trade, Captain Elliot said:—

> "So long as there was room for the supposition that these repeated approaches were merely formal, I considered that it would be most convenient entirely to disregard them; but, with the Government manifestly in greater earnest than it ever had been upon the subject, it was to be borne in mind that my continued silence was susceptible of mischievous misconstruction for the vindication of the menaced interruption of the whole commerce."

Captain Elliot here referred to the language he himself had held with the Governor of Canton, and the Government, by neglecting to take any notice of it, had laid themselves open, in his (Lord Sandon's) mind, to the charge of deeply compromising the character of the British nation. And what was the language of Captain Elliot in reply to the Governor of Canton, when applied to by the Governor to exercise his authority and prevent the opium trade? Captain Elliot observed:—

> "Your Excellency has now been pleased to direct that his Majesty, the King of England, should be informed of the gracious will of the Emperor, requiring the adoption of measures to prevent these alleged irregular visits of British ships to the coasts of China."

And Captain Elliot proceeded to say:—

> "The undersigned will conclude this address by observing, that his gracious Sovereign has never yet been approached with representations setting forth the existence of irregularities by the subjects of his kingdom on these coasts; and that his Majesty, therefore, can know nothing of any such allegations, or of the pleasure of the Emperor in respect to them."

He thereby excused his own non-interference by the want of a recognized position in China which would entitle him to bear communications from the Chinese authorities to the Sovereign of this country. The consequence of this remonstrance of Captain Elliot was, that the Governor of Canton, altering the mode of official communication, did, through the medium of that altered mode of communication, what Captain Elliot desired, and preferred a request to the Sovereign of this country to interpose and put down the opium trade. The language was this:—

> "The said superintendent is also to convey it to his King, that hereafter such receiving vessels are to be prohibited ever again coming hither; and that only the merchant vessels trading in legally dutyable articles may come, while all contraband articles, such as the filthy opium, are not to be conveyed over the wide seas. Thus, the source of the evil may be closed, and the laws be held up to honour; thus, the universally beneficial, and boundless favours of the great Emperor may, on the one hand, be conferred, and, on the other hand, the path of commercial intercourse may for ever be kept open to all good foreigners. We, the Governor and Lieutenant-Governor, hold a great power in our hands, and do that which we determine to do. What difficulty should we have in driving these vessels away with the utmost rigour? Yet we refuse not to repeat our admonitions again and again, fearing lest there should be any want of perfect faithful-

ness, and any consequent obstruction to the display of universally impartial benevolence. If, after this time of issuing our commands, the receiving vessels again collect, as though we were not heard, and continue to remain looking around them, it will be manifest that amendment finds no place in the hearts of those concerned in them; and not only will they be no longer borne with by the great Emperor, but by their own King also they will certainly be subjected to trial."

Here was full confidence expressed by the Governor of Canton that when once the matter should be properly brought to the knowledge of the Sovereign of this country, that Sovereign would not permit his subjects to carry on a trade which was reprobated by the government of China. Captain Elliot thus replied to the Governor of Canton :—

"He (the undersigned) has already signified to your Excellency with truth and plainness that his commission extends only to the regular trade with this empire; and further, that the existence of any other than this trade has never yet been submitted to the knowledge of his own gracious Sovereign."

How could the Government of this country, with any degree of honour or honesty, allow this language to be held, knowing that this contraband trade was authorized and sanctioned by them, and by our representative in China? His right hon. Friend opposite had said, that this trade had been considered, recognized, and authorized by the British Parliament, and that we had likewise admitted and asserted the responsibility of the Governor of India in connexion with it. How, then, could it be asserted that the British Government was ignorant upon the subject? It was, in fact, formally known to the Sovereign of this country. Captain Elliot went on to say .—

"He will only permit himself to add, on this occasion, that circumstances of the kind described by your Excellency cannot be heard of without feelings of concern and apprehension; and he desires humbly to express an earnest hope that sure and safe means of remedying a hazardous state of things may be speedily devised."

Were they speedily devised? Were the engagements entered into by Captain Elliot to communicate with his Sovereign adhered to? No, for two years the subject had been entirely overlooked and neglected. The next despatch, dated the 19th of November, 1837, and received in England the same day as the former one, afforded an additional instance of warning to her Majesty's Government to take the question up with a view to its settlement in some shape. Captain Elliot in that despatch said :—

"Till within the last few months, that branch of the trade never afforded employment to more than two or three small vessels; but at the date of this despatch, and for some months past, there have not been less than twenty sail of vessels on the east coast; and I am sorry to add, that there is every reason to believe blood has been spilt in the interchange of shot which has ever and anon taken place between them and the mandarin boats. The most grave result of the vigilance upon the spot remains to be described. The native boats have been burnt, and the native smugglers scattered; and the consequence is, as it was foreseen it would be, that a complete and very hazardous change has been worked in the whole manner of conducting the Canton portion of the trade."

Captain Elliot thus went on to describe in a subsequent part of the despatch the alteration which had taken place in the manner of conducting the trade :—

"I am disposed to believe that the higher officers of the provincial government are perfectly sensible of the extensive smuggling of opium carried on in the European passage-boats, and from some motive, either of interest or policy, or probably of both, they oppose no immediate obstacle to such a condition of things. But the continuance of their inertness is not to be depended upon. Disputes among themselves for the shares of the emoluments, private reports against each other to the court, and lastly, their ordinary practice of permitting abuse to grow to ripeness, and to rest in false security, are all considerations which forbid the hope that these things can endure."

This showed pretty clearly that in May, 1838, when these despatches arrived, her Majesty's Government were, by the warnings of their own officer, forbidden to hope that this state of things could endure. Captain Elliot in the despatch last quoted thus proceeded :—

"In fact, my Lord, looking around me, and weighing the whole body of the circumstances as carefully as I can, it seems to me that the moment has arrived for such active interposition upon the part of her Majesty's Government as can be properly afforded; and that it cannot be deferred without great hazard to the safety of the whole trade, and of the persons engaged in its pursuit."

Here, surely, was warning enough.

Then followed the memorandum which suggested the mode of approaching the Chinese government, in which Captain Elliot stated—

> "The necessity for such interposition, it may be said, is not immediately obvious. That may be the case in England, and it would be an ungrateful task to throw it into a stronger light. But, at all events, I shall simply say, that it seems to me the actual state of things cannot continue to be left to the turn of events without seriously risking vast public and private interests, or without such deeply-rooted injury to the national character in the estimation of this huge portion of mankind, as it is painful indeed to reflect upon."

He would have thought, if the right hon. Gentleman, the Member for Edinburgh, had been recently looking over these papers, he would have come to a different conclusion from what he had expressed on the first night of the debate, and would not have asserted that there was nothing in these despatches, which when received, called for the immediate consideration of her Majesty's Government. In the same enclosure Captain Elliot wound up his memorandum with this reflection:—

> "Upon the whole, it seems to me, that the time has fully arrived when her Majesty's Government should justly explain its own position with respect to the prevention or regulation of this trade, give its own counsels, or take its own alternative course."

Now, had the Government since then taken into consideration this vast and important question? There was no trace whatever in the whole of the subsequent correspondence of their having entered seriously into the consideration of it, although it was a question upon which their representative in China were deeply convinced they ought to take some course or the other, with the view to the prevention or regulation of that trade, which, according to the warning they had received, was likely to risk vast public and private interests, and inflict a deep-rooted injury upon the character of this nation. Gentlemen on the other side thought to get rid of their responsibility by throwing it on the Members upon his (the Opposition) side of the House, who had only information doled out to them in fragments, in the degree and proportion which suited the objects of her Majesty's Government, which was in possession of full information. It was surely not enough to say to his side, "What would you do?" They had no information, and therefore were not to be answered by such an appeal. But was there no indication in the papers of anything that could have been done by them? He thought that any man who had toiled through the book of correspondence, who had wandered darkly through the confused and misty details of the events recorded there, must have lighted upon one passage that would lead to the belief that, had another Administration been in power, other measures would have been resorted to. He would ask whether the Duke of Wellington's memorandum did not exhibit marks of a different hand from those which distinguished other parts of the correspondence. It had been said that the noble Duke only referred Lord Napier to the original instructions given him; but that was not a fair statement of the Duke of Wellington's short despatch, consisting of a few lines, for which, it had been said, he had received more praise than he deserved. The noble Duke said—

> "Your despatch of the 9th of August, and your letters, marked 'private,' addressed to Lord Palmerston, were received at this office on Saturday, the 31st ultimo, two days before the date of this letter—'I learn that a vessel will sail for Canton from the river Thames this afternoon, and I avail myself of that opportunity earnestly to recommend to your Lordship's attention the instructions of Lord Palmerston of the 25th of January, 1834, and most particularly the 18th and 19th articles of the general instructions which you have received under the Royal sign manual. It is not by force and violence that his Majesty intends to establish a commercial intercourse between his subjects and China, but by the other conciliatory measures so strongly inculcated in all the instructions which you have received."

Now, the Duke of Wellington could not have given fuller instructions at this time, only one day having elapsed, during which there was no opportunity for calling a Cabinet Council, and the question of the opium trade was not in issue at this time. What, then, could the noble Duke have done better than to call Lord Napier's attention to the general pacific character of the instructions under which he acted? But was this all the Duke of Wellington did? No: in the course of the same month (a month in which the Government was not reposing on a bed of roses, but a month of struggles under expected extinction), in that short interval, the Duke of Wellington, with that precision and sagacity for which he was so eminent, drew up a paper of advice to Lord Napier as to how he should proceed. The House had been told by the hon. Member for Liskeard, that this memorandum was exceedingly meagre, but, in point of fact, it touched upon the whole question of intercourse between the organ of the British Government and the Chinese authorities, not supporting the views of the noble Lord. He did not approve of the British agent presenting himself at Canton without previous permission, and communicating with the Chinese authorities. This was almost the only point on which the noble Lord had expressed a distinct opinion, and on that point he was directly at variance with the Duke of Wellington, and the British agent had been obliged almost always to disobey the noble Lord's directions. The Duke of Wellington had also given his opinion with respect to the establishment of a criminal jurisdiction, on which the noble Lord, for years after, had never given any instructions whatever. The right hon. and learned Gentleman (Sir S. Lushington), though he had denounced the trade in opium in language almost as magniloquent as that of the Chinese, had stated, in his subsequent observations, that there were such difficulties in the question, that he did not hold out even a hope or an encouragement that the evil could be put down. If the right hon. and learned Gentleman were really anxious that this blot should be wiped off the British name, he should have expected that he would not have stated the difficulties that were in the way without helping them to a conclusion. He did not believe the difficulties were so great as the right hon. and learned Gentleman represented. The right hon. Gentleman talked of a preventive service and ships of war being stationed along the coast of China, but he believed that the trade might, to a very great extent, be most materially checked, if not prevented, by investing the British superintendent in the conntry, under some modifications, with powers not very different from those of the company's supercargoes. It had been said, that the company did not meddle with the trade; but the company did meddle with it, and in 1821 and 1822 they took the subject into consideration, when the Chinese government, who had been represented to be so supine, refused to allow the company's trade to be carried on whilst the opium ships were lying in the waters of Canton. An extract of a letter from the supercargoes at Canton to the Court of Directors, dated July 27, 1823, stated—

"We have the honour to enclose to your hon. Court three edicts, received from the different officers of the Canton government, on the subject of the ships remaining on the coast laden with opium, and our reply thereto. We were desirous to avoid the slightest implica-cation on the part of the hon. Company, and at the same time not to oppose unnecessary impediments to the trade. The arguments we have taken up, although specious, cannot be maintained, should the viceroy place any obstacles to our commercial transactions dependent upon the departure of the vessels in question. In the margin we have noted the number and names of the British vessels, and we are in hopes the government will continue for some time silent and inoffensive. In April last, however, the viceroy resorted to the usual measure of exacting the responsibility of the trade by preventing the departure of the Pascoa (the only British vessel then at Whampoa), until the opium vessels departed from their places of resort on the coast; and should he in the present season adopt a similar line of conduct in regard to the hon. Company's ships, and our remonstrances prove of no effect, in obedience to the orders of your hon. Court to that purport, we must require the departure of those vessels, so long as they afford any impediment to the commercial proceedings of the hon. Company."

So that the Company had the power of doing this. But had the superintendent that power? He had not; and yet the Government had tried to deceive the House and the public into a belief that the superintendent had been invested with all the powers of the supercargoes. Another letter from the select committee at Canton, to the Court of Directors, dated the 6th of February, 1824, contained a paragraph to this effect:—

"We considered it a proper precautionary measure to address the Bengal government with all the information we could collect upon the subject, and at the same time to inform them of the injunctions of your hon. Court, that we should on no account permit the opium trade to interfere with the regular process of our commercial transactions; but that in the event of such a circumstance arising, we should be necessitated to exert our influence and power, to demand the departure of the ships thus employed, should such an object be made necessary, previous to the removal of any obstacles the Chinese government might oppose to the commerce of the hon. Company."

Surely her Majesty's Government was bound to invest the superintendent with the power of exercising the same control as the supercargoes had the power of exercising, by means of licenses, or some other expedient, in order to put an end to such a trade. He did not deny that some parts of the trade might be beyond the reach of our interference; but if they were, they were separated from the responsibility of our Government, or that of India, and the Chinese government would be left to the exercise of their own authority in such cases. We might tell the Chinese, "The opium trade is a smuggling trade in our eyes as well as yours; it is a trade we no longer recognize even as a source of revenue." But it had been objected on the other side, that unless we could prevent a single opium ship going up the coast, the effects would be the same as now, and that it was not just to say, therefore, that the neglect of her Majesty's Government in not giving precise instructions, had brought affairs to their present condition. But it was the British residents at Canton who were engaged in the trade, not those who resorted to the north-east coast of China, against whom the complaints of the Chinese were directed—the British smugglers in the Canton waters, who continued the trade in spite of constant warnings—the receiving ships that frequented the waters of China, so recognised by us (for the noble Lord had extended the jurisdiction of Captain Elliot so as to include the outer waters.) The Chinese government, after having exhausted every effort of persuasion, had resorted to a measure which he (Lord Sandon) could not entirely justify, though it admitted of palliation—the arrest of the British merchants at Canton, and on the principles of abstract justice, or according to the rules recognised by the Chinese government, it was not to blame. It had been said, they had punished the innocent with the guilty. How many innocent were there? There were about two individuals who could fairly be said not to have been connected with the traffic which the Chinese government had prohibited. But supposing there had been a larger inclusion of the innocent with the guilty, was it unusual for the innocent to suffer with the guilty? Was this unknown to our law? What was the ancient system of frank pledge? What was suing the hundreds for damage, when there were burnings around Bristol or Nottingham? What was this but making the innocent suffer for the guilty? What were we going to do ourselves? Were we not going to punish the innocent along with the guilty, when we were about to commence hostilities with China? When our vessels intercepted the trade in rice, would the Chinese government alone suffer? It was very well for Gentlemen to talk of distributive justice, when in other questions of national importance, we were not able to separate the innocent from the guilty. What were they doing? Much compassion had been exhibited in that House for the 200 British opium merchants, and a deplorable picture had been drawn of their condition, while shut up in the factory, and compelled, as it was said, to live on bread and water. In that picture there was, however, much exaggeration, for the lives of those persons had never been in the least danger, and it was but a mockery to say that the Chinese ever contemplated any serious injury towards them. Such a course would have been utterly at variance with the character of the Chinese, who had ever shown themselves, even under the most exciting circumstances, peculiarly tender of the lives of the subjects of other nations. But while they showed so much compassion for those opium merchants, were they to have no feelings of the same kind for the 400 or 500 Chinese who, without provocation, had been killed in their own waters? Those persons, so far as it appeared, had given no cause of provocation, yet her Majesty's vessel had attacked the boats in which they were, poured in her broadsides, and destroyed between 400 and 500 of those unoffending people. Was this no injury? Had the Chinese no cause of complaint in that attack having been made? When they complained of the conduct of the Chinese towards the opium merchants, ought they not also to take into consideration their own proceedings, and weigh each party in the equal scales of justice? Much unfair advantage had been taken in the debate of an expression which had been used by his hon. Friend, the Member for Newark, and he thought the comments which had been made on that expression by hon. Gentlemen opposite, showed an extreme poverty of argument on their side, and in the defence of the Government which they had attempted. The remarks which had been made on the expression of his hon. Friend were most unfounded and unjust, for no man could be actuated by more humane feelings than his hon. Friend. He could not recollect the exact words which had been used by his hon. Friend, but he was sure that those words never meant to justify the poisoning of the wells by the Chinese, or the carrying on of war by such unjustifiable means. But even that was a step to which some civilized nations of Europe had had recourse, and he belived that the wells had been poisoned by the French and Spaniards during the Peninsular war. When strong feelings had been excited between hostile nations, such proceedings had been adopted, although they could not be justified, or even palliated, by any humane man. But the Chinese did not poison the wells. The particular atrocity of such a proceeding consisted in its treachery. Its treachery constituted the offence, but the Chinese had not been guilty of that offence, for they had only issued an edict, in which they had openly proclaimed that the wells would be poisoned. That was a fact which he thought made the case materially different from what it had been represented. [Sir *J. Hobhouse*.—The edict was addressed only to the Chinese.] The edict was generally proclaimed, and Captain Elliot had a perfect knowledge that it had been issued. Captain Elliot had at first laboured under the impression that the wells were to be poisoned, but he had afterwards acknowledged that that impression was erroneous, and that at least they would not have been poisoned under the sanction or with the knowledge of the functionaries of the Chinese government. What, however, was the language of the edict itself? The words of the edict were—

> "Even when they land to take water, stop their progress and do not let them drink."

But did that mean that the wells should be poisoned? He thought no such construction could fairly be put upon the terms which were employed. [Sir *J. Hobhouse:* There was another edict.] The passage he had quoted was the only one which had reference to the poisoning of the wells, and he believed that there was no other edict upon the subject. Was, then, he would ask, that single passage a justification of a war with China? Were they to complain of the poisoning of the wells, and were they to have no compassion for the Chinese people, whom they were poisoning by the opium which they smuggled into their country? While they were complaining of the Chinese, was there no ground of complaint against themselves in forcing that accursed drug into China, and cramming it, as it were, down the throats of the people? He knew it had been the fashion with hon. Members opposite, with the exception of the right hon. Gentleman, the Member for the Tower Hamlets, to treat the anxiety which had been manifested by the Emperor of China to prevent the introduction of opium into his dominions as a mere mockery, and it was said, that they ought not to prevent the Chinese from enjoying a wholesome drug, or deprive so large a population of such a valuable article. But that was not the opinion of the East India Company. When it was the policy of the company to limit the growth of opium, and to obtain a large profit on a small quantity of that article, and when they were called upon to increase the traffic in opium, they treated it as a most pernicious drug, and said, that if they had the power they would destroy the growth of it altogether. It was true, that the denunciations of the company diminished and faded away when it was found that they could not maintain their monopoly of the opium trade. When they found rivals in the opium growers of Malwa, and when they could only obtain a large profit by the growth and export of a large quantity of opium, less strong opinions were expressed on the subject of that drug. But the value of their former denunciations was not destroyed by the change which was to be observed in their subsequent conduct. It was not fair, therefore, to treat with so much ridicule the apprehensions of the Emperor of China as to the effects of opium upon his subjects. He hoped the House would forgive him for reading an extract from a work which had been lately published, which showed the effects of opium upon another people. That work was not the work of any visionary philanthropist, but was the result of the observations of an honest and enlightened man. The pamphlet to which he alluded was written by Mr. Bruce, the able superintendent of the tea plantations in Assam, and it had been got up, not for the purpose of discouraging the growth of opium—not with a view to the encouragement of the growth of Assam tea, but from motives of the purest and most disinterested humanity. That gentleman said—

> "I might here observe, that the British Government would confer a lasting blessing on the Assamese and the new settlers, if im-

mediate and active measures were taken to put down the cultivation of opium in Assam, and afterwards to stop its importation by levying high duties on opium land. If something of this kind is not done, and done quickly too, the thousands that are about to emigrate from the plains into Assam will soon be infected with the opium mania—that dreadful plague, which has depopulated this beautiful country, turned it into a land of wild beasts, with which it is overrun, and has degenerated the Assamese from a fine race of people to the most abject, servile, crafty, and demoralized race in India. This vile drug has kept, and does now keep, down the population; the women have fewer children, compared with those of other countries, and the children seldom live to become old men, but in general die at manhood, very few old men being seen in this unfortunate country in comparison with others. Few but those who have resided long in this unhappy country know the dreadful and immoral effects which the use of opium produces on the native. He will steal, sell his property, his children, the mother of his children, and, finally, even commit murder for it. Would it not be the highest of blessings if our humane and enlightened Government would stop these evils by a single dash of the pen, and save Assam, and all those who are about to emigrate into it, as tea cultivators, from the dreadful results attendant on the habitual use of opium? We should, in the end be richly rewarded, by having a fine healthy race of men growing up for our plantations, to fell our forests, to clear the land from jungle and wild beasts, and to plant and cultivate the luxury of the world. This can never be effected by the enfeebled opium eaters of Assam, who are more effeminate than women. I have dwelt thus long upon the subject, thinking it one of great importance, as it will affect our future prospects with regard to tea; also from a wish to benefit his people, and save those who are coming here from catching the plague, by our using timely means of prevention."

That document contained the very same charges against opium which were urged by the Emperor of China, and he thought, when the House had such facts before it as to the destructive effects of that pernicious drug, they would pause before they condemned the apprehensions which the Chinese people entertained on the subject. He hoped the House would excuse him for having read so long an extract, but the statements it contained had made so strong an impression upon his mind, that he could not but feel that this pernicious traffic ought to be put an end to. He thought that extract was a sufficient answer to the allegations of those who said that they had seen opium-smokers, and visited opium shops, and who contended that its effects were not so destructive as those which resulted from the gin-shops of this country. It was impossible that any man could with truth apply such language to the effects of gin as that which was applied to the effects of opium in the extract he had just read. He thought he had now said enough to show that there had been neglect on the part of the Government, and a want of that foresight and judgment which ought to have been exercised in relation to these most important affairs. The affairs of China were of the utmost importance. The warnings which the Government had received on the subject were frequent and most distinct, and they came from their own officer, whom they still trusted, and still continued at his post. But all those warnings had been neglected. Nothing had been done, and the guilt of such neglect was not to be rubbed off by specious declamation. What could have been more irrelevant to the subject under consideration, than the declamation of the right hon. Gentleman, the Member for Edinburgh, and could that declamation be considered as any justification of the conduct of the Government with which he was connected? The right hon. Gentleman had told them, that their vast Indian empires had grown up without the interference of the Government at home, and without specific instructions having been furnished at every step of its progress. But would that empire have grown as it had done without instructions having been sent at all—would it have grown as it had done without any instructions? It was not the want of instructions in the case of China which they so much complained of, and what they did complain of was, that no great and general principles had been laid down by the noble Lord, the Secretary for Foreign Affairs, for the guidance of his officers. They did not complain that instructions had not been forced on the superintendent—that they had not been volunteered; but what they did complain of was, that no great principle had been laid down to guide him in an emergency, and that instructions had been refused when they were pressed for repeatedly, while those which he did receive were of such a character, that he was obliged, in the exercise of a sound discretion, to disobey them. He thought these papers contained a most interesting and disastrous drama. From the first page it was easy to perceive that they were on the threshold of some great calamity. They saw, as they perused the volume, the instructions which were given by the Government, meagre, vain, and general, and they were conducted, step by step, to the disastrous consequences which the last pages of the volume unfolded. They saw the officer of the Government complaining, and in vain, of the helplessness of his position, and hampered even by the instructions, few as they were, which he received. They found him opposed by the dissensions among the British merchants, who disregarded his wishes, as they found him left by his Government without authority, and they saw him commanded to keep order amongst a numerous body of seamen, while his Government refused him a criminal jurisdiction over them. Such was the charge against the Government, and such were the complaints against which the noble Lord had to defend himself. From the whole documents, they saw a cloud was overhanging these affairs, and it was impossible to read the volume which had been laid on the table, without the most painful feelings. The book reminded him of a Greek drama, where, from the very first, they felt that disaster and calamity must arise, whatever intervals of sunshine they might perceive as they advanced. Would such have been the case if the vigorous policy of the Duke of Wellington had been followed? Could any person suppose that the noble Duke would have allowed this great question to drag on as it had dragged? He did not mean to say that the case was free from difficulty, but the Government ought to have done something, and they ought to have adopted one alternative or another, and not to have allowed affairs to go on, without any guidance or direction. He confessed that the House knew little of the real intentions of the Government as to the present state of affairs, but he hoped they would now be informed what was to be done. What were the terms which the Government meant to insist on, and what were they to do with the opium trade? He hoped those questions would now be answered. One Cabinet Minister had told them, they were to dictate to the Chinese in an imperious tone, but let them know what the actual policy of the Government was to be, and then the House would be able to say whether they would approve of it or not. He had now attempted to show that they were justified in calling for a vote of censure upon the Government, as the Government had been the cause of the calamities which they had witessed; and he did not think that hon. Gentlemen opposite had succeeded in removing the grounds which had been laid for that charge, and for that vote, by vague declamation about leaving a distant officer without instructions, however much they might have been prayed for. He had to thank the House for the attention which they had given him, and he trusted that they would fairly consider the motion upon which they were about to give a vote.

Sir *J. Hobhouse* said, he should be spared, or rather the House would be spared, from much which he might otherwise have thought it his duty to say, because many of his hon. Friends behind him had, he thought, satisfactorily answered much that had been addressed to the House by hon. Gentlemen opposite. And he hope that the noble Lord would not think that he in any way underrated the importance of that which had formed the main part of his charge against the Government, if he delayed to the latter part of his address those observations which he would think it his duty to make upon the opium question. It was that opium question which had given rise to many of the difficulties with which they had now to contend, and he agreed with the noble Lord that it was to that question that Government ought to direct their attention. And although he did not agree with the noble Lord that they deserved any censure now for having neglected that question, still he admitted that it became any persons to whom the administration of the affairs of this great empire was intrusted, to turn their immediate and serious attention to it. For he had attended, as it was his duty to do, with the utmost seriousness and anxiety to the speech of the right hon. Mover—his right hon. Enemy. He wished he could call him his right hon. Friend, for it would be far more agreeable to him to do so—indeed, he called to mind his old days of subaltern service under the right hon. Baronet, when the right hon. Baronet was Minister, and he was Secretary at War, with a pleasure which no subsequent circumstances had yet been able to efface. He did not think the right hon. Gentleman had overrated the importance of this question—it was one which involved not only the honour and the interests, but also the character of this country—indeed, not only national character, but even personal character, was concerned; for if, for our petty squabble, for what might be prevented if we would concede a mere point of form, we were engaged in a contest with 350 millions of human creatures, then, indeed, the attack of the right hon. Baronet was not only perfectly justifiable, but he would have been justified had he gone a great deal further. If we were now engaged in a struggle of which it was impossible to increase the magnitude by any declamation—of which it was impossible to overrate the probable consequences—and if this had occurred in consequence of the neglect of the noble Lord, the Secretary for Foreign Affairs, then the Government deserved not merely the censure conveyed by this vote alone, but they deserved more—they deserved impeachment, and to be visited with the utmost censure which the Commons, and not only the Commons but the united Parliament of England, could inflict on a misguided Administration; and instead of the right hon. Gentleman concluding his address with his motion, he agreed with his hon. Friend, the Member for Portsmouth, that there should have been a distinct proposition by the right hon. Gentleman, to the effect that something should be done to avert at once this great calamity from the British people, to rescue the country from the misfortune which had been caused by the neglect of the noble Lord, the Secretary of State for Foreign Affairs, and that the House should at once have been called upon to pronounce this contest with China unjustifiable, and one which ought not to have been undertaken. The motion of the right hon. Baronet went to nothing prejudicial, except indeed as regarded one object of it, to which he would presently advert. Did it propose anything as regarded those whose property had been seized in the river of Canton? To be sure the right hon. Baronet said that he had not touched that subject, because a committee was now sitting upon it; but surely if the honour, peace, interests, and character of a great empire were at stake, it was not right to wait for the decision of a committee; if Ministers had so basely and outrageously mismanaged the trust which had been confided to them as to be engaged in a contest with a great empire, because they had been (as it had been charged against them) asleep, surely it was not right to wait for a committee which might go to sleep also; and a committee, too, the names of which, as the Gentlemen opposite taunted that side of the House, had not been given in till ten or twelve days after its appointment had been agreed to by the House. If the question of the conduct of the Government on this most important question were to be settled at all, it ought to have been decided, not by reference to a committee of those who wished to charge the Government with misconduct, but by a decided vote of the House of Commons at once. The motion did not call on the House to settle any such question, nor indeed to settle what should be done with regard to China. Did it ask the House for a vote whether or not we should go to war with China—whether they should take any course to prevent it—whether they should send out to the Governor-general of India to suspend any of these operations which his noble Friend and himself had, on the responsibility of their office, desired him to undertake? It did no such thing. Hon. Gentlemen opposite said, that mischief had occurred. They tried to get a vote against their opponents for having been the cause of that which they, as well as the supporters of this motion, agreed to have been a calamity, but they did no more than attempt to get that vote—he would not say for party purposes, because he did not object to their acting for party purposes. With their views of the conduct of Government, they were quite right to act in any way whatever which they might think likely to lead to the displacing of the present Administration. Having said this, he trusted that he might not be supposed to be actuated by a desire of disparaging the right hon. Gentleman, if he said that he recognised in his proposal nothing but a mere party attempt — nothing else in the world. Owning, as he did, the perfect and entire right of the right hon. Gentleman to make this effort, he should nevertheless expect to be laughed at in the face of day, if he did not declare that the House and the country, from one end to the other, were perfectly well aware that the supporters of this motion cared no more about the Chinese in this matter, than they had on a former occasion cared about Canada, or than they had cared about many other questions on which they had agitated the country—to use an expression of the right hon. Gentleman opposite, when he said they had transferred agitation from England to Canton. At the same time he could not help recommending hon. Gentlemen opposite to take the advice given them by the hon. and learned Member for Exeter in his learned and powerful speech (learned and powerful as the hon. and learned Member's speeches must from habit and necessity always be), when he said to them "do not trifle with a question of war or peace." He begged to offer to them the same advice not to trifle with a question of war or peace. If they wanted to catch party votes let them squabble about registration bills, about Maynooth college, or any other points of domestic policy on which, as the hon. and learned Member for Exeter said, had diverted the attention of Government from the consideration of foreign affairs. He would not only take the recommendation of the hon. and learned Member for Exeter, but he would also quote the example of the right hon. Gentleman himself on the occasion of the contemplation of a war with a power at almost as great a distance as China. It did happen that the right hon. Baronet assuming that, of course *primâ facie*, it was impossible for her Majesty's present Government ever to be in the right, gave notice of a motion to take into consideration the expedition which was then about to be undertaken to the westward of the Indus, and, with his naturally scanty information on the subject —knowing nothing at all in fact of it, except the character of those by whom it was originated, which led him as a matter of course to suppose that the result should not be favourable to this country, he determined to try the question before the House. What occurred? He did not mention what happened for the purpose of casting reproach on the right hon. Baronet—it would be ungenerous in him so to do—but his better genius on the occasion, or the hints he might have received from some quarters to which they had heard allusion made in the course of the debate—hints from persons who knew something of India, and, at any rate, who told him that when this country was about to enter upon a struggle where soldiers and perhaps sailors might be engaged in a most difficult enterprise, it was as well, unless there was positive evidence to the contrary, not to embarrass those proceedings —not to discourage those who were to bear the peril and front of the enterprise —the right hon. Baronet having received these hints with a wisdom, discretion, and moderation which did him honour, and also the accomplished pleader, who sat near him, forbore to say anything that could damp and discourage the efforts of our gallant troops in that great enterprise. He could not but wish that the right hon. Baronet had observed the same discretion now. The right hon. Baronet laughed. He did not know what made him laugh, but if the right hon. Baronet thought from what he had just said, that the Government were at all afraid of the result of this motion, he could assure him that he was quite mistaken. But he was entitled to ask, what would be the result to the nation if the motion of the right hon. Baronet was carried? It was but fair that he should be allowed to ask the right hon. Gentleman what he anticipated as the result of this motion. He did not mean to say that they were entitled to ask in what practical way this contest would be continued if hon. Gentlemen opposite succeeded to office; but he was entitled to ask whether, in that event, there would be any war at all—whether, if hon. Gentlemen opposite were to assume the conduct of affairs to-morrow, they would conduct this struggle as a national struggle, in which we were fairly engaged? This, at least, he had a right to ask. The right hon. Gentleman during the course of his speech had said nothing whatever to lead them to suppose that if the right hon. Baronet, the Member for Tamworth, and himself, were to succeed the present Administration to-morrow, they did not intend to carry on this war with China. But the speeches of the hon. Gentlemen who followed the right hon. Baronet, were in an entirely different spirit. The hon. and learned Member for Exeter, for instance, had held an entirely different language. That hon. and learned Member had declared that if victory were attained, it would be an inglorious victory: a victory from which nothing would be reaped, even with success, except disgrace; and he so far palliated the conduct of the Chinese, that it was impossible to say what he would do if the Administration resolved to continue the war. The hon. Member for South Wiltshire, who followed, talked in much the same strain—every aggression of the Chinese was entirely forgotten: not a word was said of what our countrymen had suffered, or whether or not we were engaged in a contest that had been honourably and nationally undertaken. And then came the newly-elected Member for Woodstock, who went a great deal farther still—who denounced all our transactions with the Chinese; and made use of language most unmeasured as to all dealings with them of late years; so that he could only collect from the hon. and learned Gentleman, that if we went to war, that war would originate injustice, and we could only conduct that war with disgrace. After the hon. Member for Woodstock came the hon. Member for Newark. He was very happy that he had not had to rise to answer the speech of that hon. Member, for he must own, with all his high respect for him, that it embraced one or two propositions which he would not say slipped from him, for they had all the appearance of being the result of deliberation, but which rendered it quite impossible for the hon. Gentleman and those who thought as he did to support any Administration which was prepared to carry on the war with China. He begged to remind hon. Gentlemen opposite, that if they were about to consent to this motion they ought to make up their minds whether or not they were prepared to prosecute the contest with China. The right hon. Gentleman had most undoubtedly left this as an open question for the forthcoming Cabinet. The hon. and learned Member for Exeter also left the question somewhat open, for he said that retraction was now impossible. This was as much as to say that the course they were now pursuing must be pursued by their successors. He had, he confessed, heard with great surprise his hon. Friend (he ought perhaps, rather to take the liberty of calling him his excellent and innocent Friend the Member for Portsmouth)—ask why the hon. Gentleman opposite had not proposed a decisive vote, "peace or war." His hon. Friend had been so long in China that he seemed to have forgotten the practice of the House of Commons. He ought to have known what was stated by the hon. and learned Member for Liskeard, that although this question had very little to do with peace or war, it had very much to do with the management of a debate in the House of Commons, and he ought to have known that those who would not like to vote anything against the national honour, or anything against the opium trade in India, would nevertheless be very glad to give a vote against the Gentlemen who happened to sit on the Ministerial side of the House. His hon. Friend did not seem to know it, but the real truth was that, as far as this motion went, it would decide nothing, except who was to have the management of whatever might be done in the affairs of China that day six months. But, at the same time, while, if the Government were really guilty of neglect and laziness in this matter, they ought to be visited with the severest punishment, he thought that some blame ought to attach to those who, on such pretences, withheld their assistance from the State, and endeavoured, as far as in them lay, to paralyze the exertions of the country, in an important and doubtful contest. Nothing but the most urgent necessity could, as it appeared to him, justify such conduct on the part of the opposition; they were amenable to the country for the course they were pursuing. The only real charge made by the right hon. Gentleman against the Government was that they had not had sufficient foresight to know what the Emperor of China was going to do. Hon. Gentlemen opposite seemed to think that this was the first contest that had taken place between the English residents at Canton and the Chinese authorities, but these collisions had taken place over and over again. In fact, the whole history of our transactions with China had been one of difficulties to those who wished to establish a trade on terms to which the Chinese would not agree. But why was it that this was the first occasion on which any complaint had been made by the hon. Gentleman opposite? There could not have been a greater failure than that of Lord Napier, according to the right hon. Baronet's notions of failure; yet there had been no application to that House for a vote of censure on the subject. The right hon. Baronet himself was a party to that transaction, as far as instructions went, for he was a Member of the Government by which Lord Napier was sent out. It was true that Lord Napier himself complained of his instructions, saying that it was almost impossible for him to act upon them.

The right hon. Baronet had made no such complaints of Lord Napier's expedition as he now made with regard to Captain Elliot's — no assertions that our honour had been sacrificed, or that the glory of our flag had been tarnished. If hon. Gentlemen opposite would take the trouble to refer to the circumstances which took place on the occasion of Lord Napier's arrival at Canton, they would find hardly a single point on which we had not some ground of complaint againt the Chinese and they against us. It had been said that there were two grand errors in the instructions which were given when the superintendent was first sent to China; but he thought it had been sufficiently shown that there were no errors at all. He thought the right hon. Secretary-at-War had pretty well disposed of the question as regarded these two cardinal points, namely, as to whether or not our superintendent was to reside at Canton, and whether the superintendent was to hold communication with the political authorities, rather than through the Hong merchants. The hon. and learned Member for Woodstock had said that the right hon. Secretary-at-War was wrong in stating that any such concessions had ever been made, but the fact was well known that Captain Elliot did go to reside at Canton, and it had been fully admitted by two hon. Gentlemen that night, one of them the hon. Member for Beverley, a director of the East India Company, that the point as to the mode of communicating with the Chinese government had been conceded. The opinion of that great man the Duke of Wellington, had been cited as being decidedly against the insisting upon the concession of these points; but there was the decided authority of Mr. Davis and Sir George Robinson on the other side. Sir George Robinson distinctly declared that the mode of intercourse through the Hong merchants was altogether inefficacious. It was true that Sir George Robinson differed from Mr. Davis respecting the residence at Canton, but then where did he go? Why, he went to Lintin to reside, in the very centre of the opium-smuggling trade, and by so doing gave his authority to that trade. There was, too, the united opinion of the British merchants at Canton, that the residence of the superintendent at Canton was necessary, and that by truckling and yielding to the Chinese authorities, we should gain nothing but disgrace. The right hon. Baronet had dwelt much on the want of greater powers for Captain Elliot; but it did not appear that Captain Elliot thought there was any deficiency in his powers. Sir George Robinson stated, in one of his despatches, that he thought himself quite able, if he received directions to that effect, to remove the trade complained of. Reference had been made to the right hon. Baronet, refusing the noble Lord the powers which he asked for in the China Courts' Bill; and the right hon. Baronet, in opening the discussion, intimated his anticipation that he might be taunted with the part he had taken on that bill; but certain it was, that when that bill was re-introduced into the House of Commons, after it had once passed there without discussion, and been lost in the House of Lords, certain it was, that the right hon. Baronet disapproved of the powers given to the superintendent, and expressed his opinion, even that much of the present power of the superintendent should be taken away. He should like to know, then, after this discouragement given by the right hon. Baronet, what chance the noble Lord had of inducing Parliament to give the necessary powers? The bill was, therefore, withdrawn, on the condition that application should, in the meantime, be made to the Chinese government on the subject. He would now come to the great charge against Government respecting the opium trade. They were charged with a want of foresight, a want of precaution with respect to this trade. But were not all the circumstances of this trade known long ago to the right hon. Baronet? Were they not known long ago to the Duke of Wellington? This was not a question of yesterday. A committee sat in 1810 to discuss the renewal of the East India Company's charter, and, at the same time, examined the case of the opium trade. Did that committee make a report? Yes, it did. Did that report say anything against the smuggling of opium? No, it did not. There was another committee which inquired into the same subject in 1832. Did that committee make any report as to the smuggling trade in opium? It did. Various witnesses were examined; the atrocities, as they had most properly been called, of the trade were inquired into; a report was drawn up, and the evidence given, more particularly that of Mr. Shepherd and Mr. Majoribanks, and the whole bearings of the trade were thoroughly sifted. Yet some Gentlemen spoke of this matter as if it now came before the House for the first time. What was the opinion of the committee of 1832? Why, that as the opium trade of Bengal produced 981,283*l.*, it was not desirable, in the existing state of the revenue of India, to put an end to it; the more so, as the duty fell chiefly on the foreign consumer. The right hon. Baronet was very loud now in his indignation against this traffic. In 1833, when Mr. Grant, now Lord Glenelg, in his place in the House, entered into a long and eloquent detail of the iniquitous process by which this trade was carried on, the right hon. Baronet, who then sat by the side of Mr. Grant as a colleague, was perfectly mute—he said not one single word on the subject. The right hon. Baronet, on that occasion, expressed no disapproval of the trade. No, the right hon. Baronet reserved all his indignation at the traffic for this particular occasion. On that occasion, in fact, there was no Member of the House who said anything about it, except, indeed, one solitary individual, Mr. Buckingham, who got up and exposed the whole traffic, and made a direct charge against the East India Company, taking the occasion to mention, that the trade in opium was so productive as to bring in a profit of 1,000 per cent., and that it was held of such importance by the Company, that their superintendent of the growth of opium at Patna received a larger salary than the chief justice of the Court of King's Bench; adding, that while the Company claimed to themselves the privilege of being the guardians of the law in India, and the conservators of the morals of the people of that country, and while they punished with the utmost severity any infraction of their own laws, they openly cultivated this drug for the purpose of smuggling it into China. That charge was made by Mr. Buckingham in the face of the House of Commons; and did the right hon. Gentleman opposite, who was sitting near Mr. Grant say anything against it? Mr. Buckingham told them that the East India Company had the monopoly of the cultivation of the poppy, and he charged the iniquities of the traffic on the Company. Did any one rise to second Mr. Buckingham, or say a word in his favour? No one said a word, neither his right hon. Friend, the Member for Pembroke, nor the hon. Member for Newark, who, he believed, was then a Member; nor the noble Lord, the Member for Liverpool. The noble Lord, the Member for Liverpool, was then a Member of the House, nay, more, he was a Member of that very committee of 1832. He heard all the evidence with respect to the smuggling of opium; all the iniquities flowing from it: He was told of its demoralising effects on the people of China, and, at the same time, of its bad effects on our whole commercial transactions. Yes, Lord Sandon, whose name appeared on the committee containing forty-two Members, heard that evidence, and was, of course, a party to the report of the committee, but never made an objection to the opium traffic. This was the new morality. The expression of the noble Lord's disinclination to the opium trade was reserved, like that of his right hon. Friend, for a suitable and more convenient occasion. Far be it from him to wish to say less than was deserved of the unfortunate results of that traffic, or to palliate them. He could not but deprecate it as a vice, for a great vice it was. But, let it be known at the same time, that the present Government were not the guilty parties. No, let the right hon. Gentleman alter his motion, and not confine it to her Majesty's present advisers. The hon. Member for Newark last night said, that the rupture with China had been produced by a long series of misconduct on the part of the British. Was that so? He did not think so; but then how could those who thought so, vote a censure upon her Majesty's present advisers? If a long series of misconduct on the part of the British were the cause, let it be told. Let it be said that we did not know how to conduct ourselves in our intercourse with a barbarous and semi-civilised people; that neither the supercargoes nor superintendents knew how to conduct themselves; and that it was time for the British Parliament to interfere. But he had shown that the present Government were not to be charged, because the opium trade had been long encouraged, both in India and in China. It was an old sin, if it was a sin at all. He was surprised to hear the hon. and learned Member for Exeter in his speech, able as it was, deny that Captain Elliot had any right to expect that the opium trade would be legalised. The right hon. Gentleman read two extracts from the despatches of Captain Elliot stating his reasons for expecting that the trade would be legalised, and his conviction that the Chinese government was in doubt upon the subject. The statement—that the Chinese government had no fixed purpose on the subject—was made in December, 1837, and he quoted it to show that his noble Friend was perfectly justified in taking no steps with regard to this traffic until he was informed what the determination of the Chinese government was likely to be. The first despatch with regard to the opium trade, was received on the 15th of May, 1838, and was answered on the 13th of June following. That answer had been much cavilled at; but he contended that it contained all that his noble Friend had a right to say, namely, that they who chose to smuggle opium must incur the loss, if there were any, themselves. What more could be said? Were they to punish those persons for smuggling in a foreign country? It would be the first time that such a power was claimed by any country. Ought we to punish those who attempted smuggling into France or Spain? It would be quite as monstrous to punish those who smuggled into China. Certainly there was no instance in legislation of one country making a law with respect to the fiscal government of another. This was the whole gist of the case. He begged leave to ask the House if they meant to say that a law should be made rendering it penal for a subject of England to try to smuggle opium, or anything else, into any part of the empire of China. That was what they were called on to do—to make a law in aid of the fiscal regulations of the empire of China. The hon. Member for Newark, in what he might call simplicity, said that if a good understanding had existed between the superintendent and the Chinese government, that the smuggling trade might be put down. He denied the policy or the possibility of so doing, whatever cry might be got up for purposes which he would not describe; no government, no matter by whom composed, could accomplish it. All that could be done was done by his noble Friend. Within a month after he received the despatch—that was to say, on the first mail day, he answered it, and told the superintendent that those who chose to smuggle opium must do so at their own risk—that they would receive no countenance from the British flag. He should like to know what more could be done. With respect to the edicts, and the attempt of the Chinese government to put down the opium trade, so far was Captain Elliot from threatening them in earnest, that as late as the 2nd January, 1839, he wrote to Lord Palmerston, to the effect that he did not believe the Emperor of China would suppress the opium trade, but probably he would materially check it. That letter did not reach his noble Friend till the end of 1839, and how was it possible for him to foresee that in March 1839, Commissioner Lin would come down with his edicts? What did Sir George Staunton, an unexceptionable witness, say? He said, so far from any person, acquainted with the laws and usages of China, having the least conception that Commissioner Lin would have recourse to any such measures as he subsequently adopted—that it would be impossible for any man knowing the laws of China to suppose it possible that Commissioner Lin should have recourse to such atrocities. But the hon. and learned Member for Exeter said, that whether the Chinese intended to legalise the trade or not, we had a paramount duty, and that was to put it down ourselves. That opinion showed very little knowledge, he would not say of this particular trade, but of illicit traffic in general. What was the effect of Commissioner Lin's own measures? He had received a letter from the Governor-general of India, and another letter, both of which showed the little effect to be expected from repressive measures. Lord Auckland, in his letter dated the 13th of February said:—

> "In the meantime our opium trade is rising in price, and some of our merchants are making fortunes by sales on the eastern coast of China."

He begged to call the particular attention of the House to the next statement in the letter, which was so startling, that without such high authority he could not believe it. Lord Auckland said:—

> "One small cruiser came in last week with 70,000 pounds in Sycee silver."

This was brought in by one cruiser as the first of our small adventure, and this showed that the effect of the repressive measures was merely to drive the trade to the eastern coast of China. It was another evidence of the effects of those repressive measures which Gentlemen seemed to think ought to have been adopted so much sooner. The next letter was to the secret committee, and referred to the Chinese expedition. It said—

> "As to the armament of light vessels, the best adapted to this service are the fast-sailing brigs or barques known here under the denomination of opium clippers. At present, however, the trade in opium is so lucrative that it is quite impossible to obtain any one of them, all of them being actually employed on that coast. As it is probable, however, that the course of operations in China may interfere with the traffic, it is possible that some of them may feel inclined to accept charters from us."

Thus, such was the activity of the trade, that one small cruizer brought home 70,000*l* in Sycee silver; and such was the demand for opium clippers, that not one of them was to be procured for sending out on the expedition. Nothing could show more clearly the hopelessness of any attempt to put down opium smuggling. He had documents which would show the impossibility of succeeding in any such attempt. It appeared that 42,000 chests of opium was the amount of the produce of all the countries in which the poppy was cultivated. Of this amount 20,000 chests came from British India. The remainder came from territories which were not totally independent, but in which we could not exercise any influence sufficient to put down that cultivation. This portion was chiefly the produce of that part of India called Malwa. Treaties in reference to the subject, and called opium treaties, had been made with the native princes, but were annulled because they were found totally inapplicable to the circumstances. They did not enable the Government to control the cultivation of the poppy in those territories, or the export of it. In 1830 those treaties were changed for the present system of a stamp duty; that system yielded 200,000*l*. a-year. Suppose the trade to be let loose, and the Government to take no duty. Would that prevent the cultivation of the poppy in Malwa? It would do no such thing. It would only increase the cultivation of it. His hon. Friend, the Member for Beverly (Mr. Hogg), whom he was surprised to find supporting this motion, who knew India well, admitted that we could not extirpate the cultivation of the poppy. If his hon. Friend had said that it could be done, he (Sir J. C. Hobhouse) would have hesitated; but when he said that it could not, no sensible man would doubt that it was impossible. If the present system was to be abandoned, and the ryots left to cultivate it themselves—if it was the deliberate opinion of Parliament, that the cultivation of the poppy should be withdrawn from the East India Company, let it be so ordained. Let a decided opinion be pronounced, but let not that be a charge against the East India Company, or against the present Government, which had been sanctioned by Parliament, and by repeated committees If they endeavoured to alter the system he doubted much whether they would not increase the cultivation: so far from preventing vice by fiscal regulations in aid of the fiscal regulations of China, he told them beforehand that they would completely fail. The taste for opium was not confined to China. They were mistaken, if they supposed the trade had not increased elsewhere. It had increased along the eastern coast of India, and in Java, as much as in China. In Java he believed that, man for man, the people consumed as much opium as the Chinese. Before he sat down, he should be ashamed of himself, as a Member of the Government, if he did not express his opinion with respect to the conduct of the gallant officer, Captain Elliot, whose connection with these transactions had been so frequently referred to in the course of the debate. He thought that objections had been made to the conduct of that gallant officer, which a perusal of the correspondence contained in these returns would show to be unmerited. Captain Elliot had been placed in very difficult circumstances. ["*Hear.*"] He knew what that cheer meant, but he did not hesitate to reply to it; to declare that those difficulties had not been attributable to any dereliction of duty on the part of her Majesty's Government. There were other causes of difficulty on the spot itself, and to them he particularly alluded. Captain Elliot, in one of his despatches, complained that party spirit ran so high at Canton, that it was almost impossible for any one to contend against it. Captain Elliot had to contend against many untoward circumstances, which had been totally unforeseen; and he did not, as had been said by an hon. Member last night, hoist his flag for the protection of a set of contraband traders. He might read passage after passage from these papers to show that Captain Elliot had given due notice that he would not give protection to any smuggling transactions whatever, and had warned the British captains, over and over again, against attempting anything of the kind. He must add, that during the whole of these transactions, Captain Elliot appeared to have displayed singular humanity, combined with great courage, great presence of mind, great caution, and an anxious desire to avoid the spilling of blood; with, at the same time, a due sense of the responsibility which Government had placed upon him; and, therefore, he hoped that when the report of this debate reached China, that gallant officer would not find himself deprived of that support which he had a right to expect from the suffrages of this House. Now, with respect to the allegation, that the presence of a man of war would have prevented the difficulties which had since occurred. He would ask, had the presence of a British man-of-war prevented the calamitous termination of Lord Napier's negotiation? No. The Andromache and the Imogene were at Canton at the time, and yet they had availed nothing. But he had another, and that a very high authority against the propriety of the display of such an armament before Canton. He held, in his hand, a despatch from the court of directors to the supercargoes at Canton, in answer to an application for the presence of an armed vessel, which the directors refused, and stated, as their reason, that

> "It appeared that the presence of a King's ship in the Chinese waters had, from the commencement of the trade to the time in question frequently occasioned great embarrassment, in many instances to a suspension of the loading of the ships, which had unfairly caused great pecuniary loss."

Let the House bear in mind that this declaration was made by the court of directors, whose conduct had been so highly lauded, and who, so far from agreeing with the project of the Duke of Wellington as to the constant presence of a stout frigate at Canton, had asserted that it frequently led to very great embarrassment. A great deal had been said with reference to the character of the Chinese, and as to the propriety of our entering into a contest with a people with whose nationality and resources we were not sufficiently acquainted, and as to the provocation which they had given us for such a contest. He did not think it would be right to enter into contests with the Chinese with any notion of disparaging them as a people, or impairing their nationality; far would it be from his inclination to enter into any contest with them unless from the conviction that he did so with just grounds on his side, and he only trusted that if we did enter upon this expedition, with honour and justice on our side, we should be able to carry it out not only to the profit of our own nation, but that of every other civilized power in the world; that we should do so in a way to vindicate our own honour, and to improve the relations of this great empire with all others in the universe, and at the same time, in doing good to ourselves, do good also to the general interests of humanity.

Sir *R. Peel* said, considering that the House had been occupied for the last six or seven nights with continued debates, first upon the Corn-laws and then upon the Chinese question, it could hardly be a matter of surprise that occasional indications of impatience had been manifested this evening. But he entreated the House to bear in mind the magnitude and importance of the subject which was now under their consideration. He begged them to remember, that although no communication had been made from the Crown, although no message had been sent down to the House, it appeared, from the distinct and intelligible declarations of two Ministers of the Crown, that we were on the eve of hostilities with a country the description of which he would borrow from the hon. Baronet the Member for Portsmouth—a country which, in point of population, exceeded all that of the continental countries of Europe; nay, at this moment, we might actually have entered into hostilities with a nation comprising a population of 350,000,000 inhabitants, very little short, in fact, of one third of the whole of the human race. It was certainly not surprising that, with these indications of hostilities, which none could mistake, although the Crown had sent down no communication, and had invited no opinion from the House of Commons—it was certainly, he repeated, not surprising that the House of Commons should inquire what were the causes of, and who were the parties who were responsible, for this great and acknowledged calamity. "Oh!" said the right hon. Gentleman, the President of the Board of Control, and one of the parties mainly responsible for this great evil, " for God's sake do not discuss anything about China! Have a debate, if you please, on the Registration Bill, or take a division upon Maynooth." Perhaps the right hon. Gentleman would advise the House to occupy its time upon the Peel club at Glasgow. " But the greatest question of China, the greatest question of who was responsible for, and by what means these hostilities had been brought about, do not touch that (said the right hon. Gentleman), for questions of peace and war are involved in it." Five-and-forty minutes of the right hon. Gentleman's speech were occupied with comments upon the form of the motion under discussion,and the remainder was a defence of her Majesty's Government. Five-and-forty minutes it was necessary to say to those who had not the satisfaction of hearing the speech of the right hon. Gentleman—five-and-forty minutes had been occupied in comments upon the motion of his right hon. Friend; and the right hon. Gentleman had said, that the motion contained no distinct declaration of opinion upon the policy of the Government, that it declared no opinion about the opium trade, nay, that it did not distinctly explain whether or no the right hon. Mover thought the merchants whose opium had been taken for the use of the Government ought to have compensation or not. " The motion," said the right hon. Gentleman, " is a mere party motion." That was the Minister's defence. What was the use of this constant and unmeaning clamour about party motions? Was it not incident to free discussion and to a popular assembly that even in smaller matters than this, the conduct, the motives, and the character of the Government should be subjected to examination and criticism? Did not the Queen's Government resort to precisely the same means for defence against the motions which were brought forward by its opponents? Was it perfectly novel in the history of this country, and of Oppositions, to find motions brought forward by them — nay, to find retrospective motions brought forward—to find that those whose past misconduct or whose past neglect was called in question were absolutely subjected to the ordeal, not of prospective, but retrospective crimination? What event during the war was not the subject of enquiry by the Opposition? Did the expedition to the Scheldt escape? Did the convention of Cintra escape? Did the battle of Talavera escape? Was there any instance in which, upon the questionable policy of the Government (those who watched that Government having considered themselves perfectly entitled to bring forward a motion upon the subject of the misconduct of that Government), motions had not been made? What was the motion made by one of the present ministers in the year 1810—Lord Lansdowne—a great military critic, who questioned the policy of the Government by a retrospective censure of the convention of Cintra, and who, not content with his proceedings in 1809, appeared again in another field, having succeeded to the Peerage in 1810, and brought forward this resolution, which appeared to him, if deserving of censure at all, not more or less than the present motion. Lord Lansdowne proposed to the House of Lords to resolve—

> " 1. That it appears to this House, after the most attentive examination of the papers laid before them relative to the late campaign in Spain, that the safety of the army was improvidently and uselessly risked, and every loss and calamity suffered, without ground on which to expect any good result, and that the whole did end in the retreat of the army. 2. That, previous to entering on this campaign, Ministers did not procure the necessary information of the state of Spain, or of its military resources—of the supplies that could be afforded, &c., as the most obvious policy required; and that the result of this rashness and ignorance was a result the most calamitous."

That was retrospective; it indicated no particular policy, and he thought that Lord Lansdowne and his confederates would have been surprised if, on bringing forward this motion censuring the operations of the Duke of Wellington and the Government of that day, had he been replied to in the same manner that the present motion was answered—namely, " You ought to tell us what are the despatches which, under similar circumstances, you would have written. You ought, if you question the operations of the Duke of Wellington in Parliament, to indicate to the House the precise communications which, under similar circumstances, you would have had with your British confederate on the one hand, and the Spanish authority on the other hand, and you have no business to bring forward a motion censuring the policy of the Government, unless, at the same time, you distinctly declare not only what you intend to do, but precisely what you would have done." He apprehended, when Lord John Cavendish brought forward his motion to this effect, that the thirteen colonies of America had been lost to England, and that England was engaged in a war with France, Spain, the United States, and Holland, without a single ally, and that all this was owing to the negligence and want of foresight of the Government, that then a good Whig precedent was furnished for the form of the present motion, and, perhaps, it might have been difficult to find a greater coincidence than it furnished. The right hon. Gentleman had deprecated as injurious the practice of the House of Commons entertaining questions of peace and war like this; so that, whatever was the misconduct of the Government, the indifference of the House was to be the indemnity. The present motion was a distinct declaration, that the unfortunate state of affairs which had arisen between this country and China, was attributable to the want of foresight and precaution in the Government, and their neglect to give certain powers and instructions to their representatives. It did not give any opinion about the opium trade, nor as to the policy and justice of the war, but he would remind the right hon. Gentleman, that those questions might be perfectly distinct, and yet the war might be just. The war itself might be politic, and yet the necessity of the war might have arisen from impolitic proceedings. It might be that from a long series of contests, misunderstandings, and collisions, continued for years by a country unaccustomed to European laws and usages, an act of violence and outrage might have been committed, which left no alternative but a resort to war—it might be, that the course of policy pursued by their representative might leave them no alternative on the grounds of policy but to go to war. It might be, for instance, that in the first conflict that took place between the Chinese and British empires, the conflict was so unwarrantable that it would be utterly impossible to retrieve the character of the British arms without some manifestation of resentment. A shot might have been fired unintentionally in a moment of irritation against an inferior force, and the result of that first unfortunate conflict might have been to exhibit the British naval force retreating from the action in consequence of a failure of ammunition. It might be, that notices of blockade were issued on one day, and recalled in three days, and those events might really leave that impression on the minds of the Chinese which would be prejudicial to the warlike character of England, so as to make it wise and just to correct that erroneous impression. But consistently with those circumstances it might be proved, that although the war was not unjust—although in point of policy it could be sustained—although it ought to be supported—still the necessity for the war might have arisen from gross negligence and misconduct of the Ministers. Now, he asked, supposing that state of things to exist, was it fit that those Ministers should escape not only without notice, but, as the right hon. Gentleman supposed, even without the formality of a debate? The right hon. Gentleman had said, that no one had more lamented the breaking out of the war with France than the late Mr. Fox. There was no one who more deeply felt that that war was a great calamity; there was no man who, at an early period of the war, was a warmer advocate of its termination: but he would remind the right hon. Gentleman, that at the commencement of that war, while, at the same time, he supported the armament by which it was to be carried on, the very same night he did so, he brought forward a motion of censure upon the Government who brought it on. On the 4th of February, 1793, he said—

> "We were now actually engaged in war, and, being so engaged, there could be no difference of opinion on the necessity of supporting it with vigour. No want of disposition to support it could be imputed to him; for in the debate on his Majesty's Message, announcing that we were at war, he had moved an amendment to the Address, as much pledging the House to a vigorous support of it as the Address proposed by his Majesty's Ministers, and better calculated to insure unanimity. But the more he felt himself bound to support the war, the more he felt himself bound to object to the measures which, as far as yet appeared, had unnecessarily led to it."

And, on that night, Mr. Fox moved this resolution—

> "That it appears to this House, that in the late negotiation between his Majesty's Ministers and the agents of the French government,

the said Ministers did not take such measures as were likely to produce redress, without a rupture, for the grievances of which they complained."

Therefore, he thought, he showed them, upon high authority—at least upon such authority as would be admitted by hon. Gentlemen opposite—that the same man might admit the necessity of a war who at the same time might feel an imperative obligation to censure those by whom the war was originated. His firm belief was, that the necessity for this war did exist mainly in consequence of the misconduct of the Government. He believed in the possibility of its being averted, not by some foresight inconceivable in the limited faculties of human nature, but by the most ordinary attention to the position of our affairs at the termination of the East India Company's charter, and by taking the fair warning afforded by previous experience, as well as by listening to the earnest declarations of our own superintendents, and above all by fortifying them with the power which they demanded, which Ministers might have intrusted to them, given them instructions as to the views and intentions of Government, but which, however, her Majesty's Ministers had studiously withheld. Here he would clear up a misapprehension of the right hon. Gentleman as to the nature of the charge against the Government. It was not, as the right hon. Gentleman supposed, that the Government had not sufficient foresight to know what the Emperor of China was going to do, but that after the termination of the relation between China and the East India Company, which had continued for 200 years, and after an immense change, therefore, in the position of this country with respect to China, that her Majesty's Government sent a gentleman to China to represent the Crown of this country, without the powers which they might have given him, which it was their duty to have given him, without instructions which he was competent to receive, and without the moral influence of a naval force, the advantage of which was demonstrated by the papers before the House. The right hon. Gentleman, the Member for Edinburgh admitted that the instructions were meagre and scanty, and if under similar circumstances they had been given to our diplomatic agent at Brussels, or at Paris, the Government would have been without excuse. That was an important admission. But the right hon. Gentleman proceeded to say that India was best governed in India, as if a regularly constituted Government, with superior and subordinate officers of the greatest experience, with a people accustomed to look up to that Government with reverence and respect, with a powerful fleet at command, with an immense military establishment, and with recognized laws and responsibility, as was the case with the government of India, could bear the least analogy to the case of Captain Elliot conducting the affairs of our trade at Canton. The Government ought to have supplied Captain Elliot with proper powers. It should have said what regulations were to be established, what offences were to be breaches of those regulations, and then have constituted a Court of Admiralty and criminal jurisdiction, as they might have done. If, then, they had indicated to their representative the general views and policy of the Government, and said, "Here are the powers which the law enables us to invest you with; here are our general views and intentions with respect to our relations with China, the trade in opium, the place of your residence, the mode of your communication; we tie you down by no specific instructions; we leave you, on account of the distance, full latitude and complete discretion, confiding in your prudence and judgment,"—then, indeed, the Government might have some case to rely on in the absence of detail and defined instructions; but their course had been exactly the reverse. They had given their representative what was worse than no power—the semblance without the reality. They not merely withheld instructions, they gave him contradictory instructions; and then they pretend that, on account of the distance, it was difficult to explain the course which he was to pursue. Did the East India Company find that difficulty? Read the despatch of the East India Company, addressed to their supercargoes in the year 1832, enjoining caution in dealing with the Chinese, and placing before them the general views of the company, but not binding them down, in that case at least, to minute instructions; and, after having read that despatch, let him ask whether the vindication now set up by the Government, that they were 15,000 miles from their officers in India, could be deemed a sufficient excuse for the gross and intolerable negligence which it appeared they had committed? There were three charges which this resolution conveyed; the want of instructions, the absence of a naval force, but, above all, the want of that authority and power, the means of giving which they had within their own control. He would not go through the whole of these several points. It might be demonstrated, that there were periods when a naval force, which might have been present for the maintenance of authority, was absent; and yet a noble Lord opposite talked of relying on the moral authority of the naval force over and over again. The superintendent had asked for such a force, but could not obtain it. Gentlemen on the other side had argued as if the Duke of Wellington's authority supported their views, when, in fact, he had not recommended any thing from which they could derive the smallest support. The opinion of the Duke of Wellington was, that a naval force was only necessary till the trade should be established. He would have adopted the policy of Mr. Davis and of Sir George Robinson: it was their opinion, that a naval force was necessary until the trade should be established; but that was the full extent to which it could be carried. These were facts most clearly made out by the papers before the House, and he declared his deliberate conviction, that no man could read those documents and not arrive at the same conclusion, under the influence of which the motion of his right hon. Friend had been prepared. The House could not fail to have noticed the wide range which the present debate had taken, and the variety of topics to which hon. Members had addressed themselves; and it therefore appeared to him most important that, at the present stage of the debate, the attention of the House should be confined—at least, so far as his observations were concerned—to the main point at issue between her Majesty's Government and the supporters of the motion brought forward by his right hon. Friend the Member for Pembroke. Governed by that consideration, he should keep to one point, and not wander over the mass of desultory reasoning which, during the course of the present debate, had been laid before the House. It was now for the representatives of the people to consider and decide upon this question, whether or not her Majesty's Government were chargeable with reprehensible neglect in the policy which they had pursued towards China; and whether or not they had given to the British superintendent at Canton the power and authority which his position required, and which the honour and the commercial interests of this country rendered absolutely necessary? One word, however, about the instructions. The right hon. Gentleman (Sir J. C. Hobhouse) said, it was impossible for the Government to suppress the opium trade. That might be; it might be impossible. A committee of the House of Commons might too, some eight or ten years since, have delivered an opinion about the opium trade; but he asked this question:—after the despatches which arrived in this country on the subject of the trade in opium up to the 13th June, 1839—after the important change which took place in that year, placing the trade on a perfectly different footing, and giving it a ten times more formidable character than it had in the preceding periods—when their superintendent informed them

> "It had been clear to me, my Lord, from the origin of this peculiar branch of the opium traffic, that it must grow to be more and more mischievous to every branch of the trade, and certainly to none more than to that of opium itself. As the danger and shame of its pursuit increased, it was obvious that it would fall, by rapid degrees, into the hands of more and more desperate men; that it would stain the foreign character with constantly aggravating disgrace in the sight of the whole of the better portion of this people; and, lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests. Till the other day, my Lord, I believe there was no part of the world where the foreigner felt his life and property more secure than in Canton; but the grave events of the 12th ult. have left behind a different impression. For a space of near two hours, the foreign factories were within the power of an immense and infuriated mob; the gate of one of them was absolutely battered in, and a pistol was fired out, probably without ball or over the heads of the people, for at least it is certain that nobody fell. If the case had been otherwise, her Majesty's Government and the British public would have had to learn, that the trade and peaceful intercourse with this empire was indefinitely interrupted by a terrible scene of bloodshed and ruin. And all these desperate hazards have been incurred, my Lord, for the scrambling, and, comparatively considered, insignificant gains of a few individuals, unquestionably founding their conduct upon the belief that they were exempt from the operation of all law, British or Chinese"—

When thus, in characters not to be mistaken, their officers showed that a crisis was at hand—when he told them that the time had come, when the British Government must indicate some intention on the subject—when they had a series of despatches received up to the 13th January, 1839—he asked whether, on a subject of such immense and complicated interest, this was a proper reply to the communications received by the British Government?

> "Foreign-office, June 13th, 1839.
>
> "Sir—Your despatches to the 31st December of last year, and to the 30th of January of this year, have been received and laid before her Majesty's Government. With reference to these despatches as detail the circumstances which led to an interruption of the trade for a short period in December last, and the steps which you took, in consequence, with a view to the re-opening of the trade, and to the re-establishment of your official communication with the Chinese authorities, I have to signify to you the entire approbation of her Majesty's Government of your conduct on those matters. But I have at the same time to instruct you not to omit to avail yourself of any proper opportunity to press for the substitution of a less objectionable character than the character 'Pin' on the superscription of the communications which you may have occasion to address to the viceroy.—I am, &c.,
>
> (Signed) "PALMERSTON."

He was not turning into ridicule the adherence to forms; nor underrating its importance; but to answer such communications on a growing difficulty, by saying we approve of the course of practical conduct you have pursued, but be good enough to claim the right of using a less objectionable character than that of "Pin" on the superscription of your letters; for the right hon. Gentleman (Sir J. Hobhouse) to get up and say that such an answer was worthy of the occasion, would, if he had not heard him, have exceeded the bounds of his credibility. But he came to the point which he had selected; and as he took one point only, he trusted he should meet with the attention of the House. He meant to support the charge that her Majesty's Government did not give to their superintendent the powers which they might have given—powers which were essential to the performance of his functions—powers with which by the act of Parliament, they were fully entitled to invest him—and powers with which, if he were supplied, might have materially contributed to avert the calamity which had befallen us. The House would bear in mind that an act of Parliament, passed in 1833, called the China Trade Act, which substituted for the existing relations with China, another form of official communication. The 6th clause of that act gave the Government almost unlimited discretionary powers—as full and complete as any act of Parliament ever conferred. The 6th clause enacted that:—

> "It shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in Council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions, and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions, and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified, and to create a court of justice with criminal and admiralty jurisdiction, for the trial of offences committed by his Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China, and to appoint one of the superintendents herein beforementioned to be the officer to hold such court, and other officers for executing the process thereof, and to grant such salaries to such officers as to his Majesty in Council shall appear reasonable."

It also enabled them to constitute courts of admiralty and of criminal jurisdiction for the trial of offences. An order in council, professing to be founded on the authority of this act, was issued. But that order in council gave to the superintendent such powers and authorities as certain officers of the East India Company, called supercargoes, had theretofore exercised; and whatever regulations were in force in April, 1834, were continued in force by this new constitution of our official relations. Now, in point of fact, the supercargo had then no authority, and there were no regulations in force. There was the East India Company at hand, for the purpose of ascertaining what their regulations and authority were; but the first order in council issued under the act, gave no legal authority whatever to the superintendent. But the answer to that was, "There are other Gentlemen at his side of the House parties to that order." Be it so, *solamen miseris socios habuisse*, That was an error of omission, but why were not steps taken to correct it? For that neglect, at least, his Friends were not responsible; but the right hon. Gentleman must show that the Ministers had timely notice of the defect, that they might have repaired it, and that they had not done so; and, up to this hour, had left their superintendent without adequate authority. He asserted, moreover, that a great part of the mischief and embarrassment which had arisen arose from the want of such powers. Now, in the first place, he maintained that the forcing of the passage of Bocca Tigris by the Jardine, as described by Captain Elliot, arose from the want of such powers; that when Captain Elliot attempted to make regulations for the ships at Whampoa, he found himself equally helpless—that when negotiations were going on in an amicable spirit, and were interrupted by the conduct of the commander of the Thomas Coutts, that the want of such powers were the cause of the embarrassment; and he would establish, he thought, by conclusive proof, the assertions which he had made. He would first of all take the case of the Jardine. Captain Elliot says in his despatch of Dec. 27th, 1835:—

"I hear it is very generally reported to-day that the steam-boat Jardine, now at Lintin, is to proceed to Canton on Tuesday or Wednesday next. The disquietude of the provincial government upon the subject of this vessel, has already been manifested in an edict, desiring that she should leave the country; and I am informed a request to let her ply in the river as a passage-boat has just been negatived. In the present state of circumstances I feel it my duty to advise that a public letter should be forthwith addressed to the commander of the steam-boat, enjoining him, under the King's authority, by no means to proceed up the river at present * * * We have been specially warned, and the Chinese officers who know the advantage that particular circumstances will afford them for the vindication of any measures which our scornful disregard of their authority may lead them to pursue. If this steam-vessel goes up the river at this moment, I feel a persuasion that some grave public inconvenience will ensue. * * In this case it is my strong opinion that the Chinese will resort to some general measure in assertion of their powers and independence as a government, involving the interruption of this trade, till some required concession shall be made. No government can afford, if I may so express it, to be reduced to utter contempt in the sight of its own people by a handful of heedless foreigners; the sacrifice in point of public estimation is far too considerable."

What was the answer to that? In the first place the whole of the despatch was not given, and, therefore, what might have been the representations contained in that despatch he knew not, for there was only a minute of it. The answer, however, was a recommendation to the superintendent to use caution in his interference—that in the present state of our relations with China it was incumbent to avoid all causes of offence, and not exercise a greater degree of authority than he actually possessed. Good advice, no doubt, as he possessed no authority; but why did not the Government give him authority, when it was said, at last, that the Chinese government had resorted to violent and outrageous action. True, they had done so, and, abstractedly speaking, perhaps there was no justification for their having done so. But they must not look to the mere abstract act—at the last word that preceded the first blow—but they must look to the whole tenour of the collision to form a just view of its character. Let the House bear in mind what had been stated by Captain Elliot, that the interests at stake were of immense importance, and that no Government could afford to bear the sacrifice of them; and let it also bear in mind the growing causes of exasperation, before it decided on the real character of the transaction. What was Captain Elliot to infer from the instructions sent him not to interfere with the enterprises of British merchants? Take the case of the regulations made by Captain Elliot with respect to vessels at Whampoa. In that case, and in consequence of the conflicts which had taken place between the crews of British vessels and the Chinese, Captain Elliot found it necessary, as he thought, acting under the the powers given him by the Order in Council, to establish certain police regulations for the conduct of those vessels and their crews. In April, 1838, three years after the last despatches he had referred to, Captain Elliot wrote thus:—

"Most serious disturbances, however, had been frequent on this point, and, therefore, on my return to Canton I drew up the accompanying memorandum, furnishing it to the commanders of ships as they arrived, in order that it might be read in the event of need."

Captain Elliot stated, that

> "The immediate circumstance which led to this measure was a dangerous disturbance on board the ship, Abercromby, Robinson, at Whampoa;"

And he added, that

> "Every season since the opening of the trade had been marked by constant scenes of disgraceful and dangerous riot at Whampoa, and my own personal attention could not at all times be given without public inconvenience."

What was the answer given to that letter? It was, that the Order in Council gave him no authority to establish police regulations. The reply of the noble Lord opposite was to the following effect:—

> "The law officers of the Crown think that the regulations in question are not in any way at variance with the laws of England, provided they be duly made and issued by her Majesty, according to the Act of the 3rd and 4th of William 4th, c. 93, s. 6, but that you have no power of your own authority to make any such regulations. With respect to the territorial rights of China, the law officers are of opinion, that the regulations, amounting, in fact, to the establishment of a system of police at Whampoa, within the dominions of the emperor of China, would be an interference with the absolute right of sovereignty enjoyed by independent states, which can only be justified by positive treaty, or implied permission from usage. Under these circumstances, I have to instruct you to endeavour to obtain the written approval of the governor of Canton for these regulations, and as soon as the approval is received in this country, the proper steps shall be taken for giving force to those regulations, according to the provisions of the Act of Parliament."

Now, he wanted to know what had prevented the Government two years ago from giving to the superintendent at Canton the powers necessary to prevent a vessel, like the Jardine, from ascending the river—to establish regulations for the preservation of peace on board the British shipping at Whampoa, and to avoid that rupture which took place at a later period, in consequence of the ship, Thomas Coutts, going up the river to Canton? He would prove, that at an early period, the Government had distinct notice of the deficiency of the powers possessed by the superintendent under the Order in Council. On the 1st of July, 1835, Sir G. Robinson informed the noble Lord, that the superintendents did not possess the powers which the Order in Council professed to give them. He would read an extract from Sir G. Robinson's despatch.

> "Now, my Lord, it is respectfully submitted that there were no regulations in existence of the nature contemplated in that Order in Council."

This despatch was received on the 28th of January, 1836, and therefore the Government was then aware that the superintendents had no legal authority to act; and yet, on the 28th of May, 1836, four months afterwards, the noble Lord told Sir G. Robinson, that "it would be desirable to extend the limits of the powers of the superintendents." Was such an answer consistent with the supposition that the noble Lord had read the despatches? The Government knew that the superintendents had no legal authority — that the Order in Council was a dead letter, that the superintendents had neither the powers of the supercargoes, nor any other power; and yet on the 28th of May, 1836, the noble Lord wrote to say,

> "That his Majesty's Government thought it desirable to extend the powers of the superintendents of British trade in China."

The noble Lord went on to say,

> "I have therefore to instruct you publicly to notify that the jurisdiction of the commission is to be extended, so as to include Lintin and Macao, and that from the date of the promulgation of such notification, the authority of the superintendents over British subjects and ships is to be considered as extending to Macao as well as Canton, and as being of equal force and validity within this extended jurisdiction, as it has hitherto been within the limits of the port of Canton."

These were the wise general powers which should be given to the superintendents, of which the House had heard so much? The officer of the Government informed the Ministers that the Order in Council did not give him the powers which were necessary. They knew that fact in 1836. Four years had passed, and yet they had not supplied the defect. Indeed, four months afterwards, when they knew that the Order in Council was illegal, and that no jurisdiction existed, their answer was, that the jurisdiction of the superintendent was to be extended from Canton to Macao. The Government could not deny that they were aware of the non-existence of jurisdiction, for, on the 8th of November, 1836, the noble Lord opposite wrote, that the Government was aware of the inconvenience arising from the undefined nature of the jurisdiction of the superintendents, and the want of power to enforce their measures. Now, it might be difficult to say, what might have been the effect, if the chief superintendent at Canton had possessed the powers for which he so earnestly pressed; it might be difficult to say, if he could have restrained the Chinese from ill-using English sailors, or murdering Lascars — if he could have prevented the outrages at Canton—if, when the Chinese were inclined to negotiate, and had actually entered upon negotiation, he could have prevented the rupture of that negotiation by the single act of a British captain—all this it might be difficult to show; but he now proceeded to establish, that with respect to the trade in opium, which her Majesty's Government said was uncontrollable by the British Government, that if the superintendent had had proper powers, which her Majesty's Ministers knew that he had not, but which they neglected to supply him, some, at least, of the great evils which the opium trade involved in it might have been avoided. He said, that the evil was not merely in carrying on the illicit traffic, he admitted that it might have been most difficult to have prevented that traffic, he admitted that the cupidity which had risen up in consequence of long indulgence might have made it most difficult to suppress such a traffic, but the question was, whether proper powers, if vested in the superintendent, would not have robbed that traffic of much that had given offence to the Chinese government. He took the language of Captain Elliot. On the 30th of January, 1839, Captain Elliot wrote—

> "There seems, my Lords, no longer any room to doubt that the court has firmly determined to suppress, or more probably, most extensively to check the opium trade. The immense, and it must be said, the most unfortunate increase of the supply during the last four years, the rapid growth of the east coast trade, and the continued drain of the silver, have, no doubt, greatly alarmed the Government."

Now let the House listen to this passage—

> "But the manner of the rash course of traffic within the river has probably contributed most of all to impress the urgent necessity of arresting the growing audacity of the foreign smugglers, and preventing their associating themselves with the desperate and lawless of their own large cities."

And observe that the opposition of the Chinese government was to the opium trade within the Canton waters; it was not merely the existence of the trade, but the manner of carrying it on which exasperated that government. Captain Elliot said, in the same despatch,—

> "Whilst such a traffic existed, indeed, in the heart of our regular commerce, I had all along felt that the Chinese government had a just ground for harsh measures towards the lawful trade, upon the plea, that there was no distinguishing between the right and the wrong. But I told Howqua, that should never happen so long as the governor enabled me to perform my duty; and it could not have happened at all but for his Excellency's countenance."

On the 2nd of January, 1839, he quoted this with reference to the illicit trade in opium alone, Captain Elliot said—

> "Carefully considering the critical posture of the momentous interests confided to me, and resolved, as a preliminary measure, upon an appeal to the whole community; not only with some hope that such a proceeding might have the effect of clearing the river of these boats, but, because (if the case were otherwise), I felt it became me distinctly to forewarn her Majesty's subjects concerned in these practices, of the course which it was my determination to pursue."

Captain Elliot proceeded—

> "There is certainly a spirit in active force amongst British subjects in this country which makes it necessary for the safety of momentous concernments, that the officer on the spot should be known to stand without blame in the estimation of her Majesty's Government; and it is not less needful that he should be forthwith vested with defined and adequate powers for the reasonable control of men whose rash conduct cannot be left to the operation of Chinese laws without the utmost inconvenience and risk, and whose impunity is alike injurious to British character and dangerous to British interests."

That complaint could not have been made if the powers which her Majesty's Government must have known were wanted, had been given. But above all, let the House read and well consider the private conversation which Captain Elliot had with Howqua on the consequences which must follow from the absence of these powers. On the 2nd of January, 1839, Captain Elliot wrote—

> "I hope it will not be thought intrusive if I mention that I have recently had a conversa-

tion with Howqua upon this point, on which occasion I explained, as carefully as I could, your Lordship's reasoning in the debate in the House of Commons on the China Courts Bill. He concurred in every word that was said, and particularly on the inexpediency of drawing the subject under the attention of this Government, till all things were ready to go into operation. He referred me with earnestness to the requests which had been made before the Company's monopoly was abolished, to make provision for the Government of her Majesty's subjects, and he desired to know what more was wanted, and how it was possible the peace if all the English people who came to his country were to be left without control."

That was the opinion of one of the most eminent and most intelligent of the Chinese merchants, the opinion of one who had had the most intercourse with Englishmen, who was best acquainted among the Chinese with the English character, who was best able to see the consequences which must flow from the absence of control over the English resorting to Canton. Captain Elliot also said—

"Howqua further entreated me to remind 'my nation's great Ministers,' that this government never interposed except in cases of extreme urgency, upon the principle that they were ignorant of our laws and customs, and that it was unjust to subject us to rules made for people of totally different habits, and brought up under a trtally different discipline." "I must confess my Lord," said Captain Elliot, "that this reasoning appears to me to be marked by wisdom and great moderation; and, at all events, convinced, as I am, that the necessity of control, either by British or Chinese law, is urgent, I would most respectfully submit these views to the attentive consideration of her Majesty's Government. "In fact, my Lord," he went on to say, "if her Majesty's officer is to be of any use for the purposes of just protection, if the well-founded hope of improving things honourable and established is not to be sacrificed to the chances which may be cast up by goading this Government into some sudden and violent assertion of its own authority, there is certainly no time to be lost in providing for the defined and reasonable control of her Majesty's subjects in China."

Why, what was the answer to this? Her Majesty's Government had power by the China Trade Act of 1833, they knew that in January, 1836, the powers which the superintendent had were inefficient, that no other means could effect the required object but increased power was repeatedly shown since 1836. The Government were cognizant of this, they had it here, from a most intelligent native merchant, that, by Chinese law, the subjects of the British crown could not be punished, and he asked, how it could be expected that the peace could be preserved without some powers of control were given to her Majesty's officer. Captain Elliot said, that he found this reasoning to be marked with wisdom and moderation; but, above all, the Government had that prophetic warning of Captain Elliot's, that, if proper powers were withheld, he could not answer that some sudden and violent exercise of its authority might not be manifested on the part of the Chinese government, goaded as it was by the continual outrages of British subjects, stung as it was, to the quick, by repeated contempts of its authority, irritated almost to desperation by what neither they nor the British superintendent could prevent, her Majesty's Government had in truth no alternative but to give the superintendent the means of definite control over all British subjects trading to China. Had he not gone far to show on this single isolated point—first, that the grave charge upon her Majesty's Government of not giving the superintendent the powers which they must have known that he wanted, and which were indispensible, was well founded; secondly, that there was reason to suppose that a great part of our present embarrassments arose from the want of control over the British at Canton, and the neglect of her Majesty's Government to supply the requisite powers? What answer would be given to this by the noble Lord? It would be said that application had been made to Parliament to give the powers requisite, and that Parliament did not meet the views of the Government. He (Sir Robert Peel) would give a narrative of that application. In January, 1836, the Government knew that the powers were defective, the order in council was a mockery. The Session of 1836 commenced. No step was taken. In 1837 a bill was brought forward, but not till June 28. It passed the House of Commons without debate. It was withdrawn from the Lords also without debate, on account, it was said, of the lateness of the Session. This was on the 10th of July. Parliament was prorogued on the 17th; that was to say, the Government knew in January, 1836, that the superintendent had not adequate powers, yet Parliament was not moved to give the powers by legislation until 1837, when the bill was withdrawn without remonstrance, and without a word, good, bad, or indifferent, being said upon it. 1838 arrived, and they applied again to Parliament for increased powers. They brought in the bill on the 30th of April, 1838, and there were, he believed, twenty-two postponements from day to day. It was read a second time in July. [Lord *Palmerston:* The 21st of May.] It passed the House of Commons in July. This bill, which had been unopposed in the House of Commons, and had been withdrawn from the Lords on the 10th of July, 1837, did not appear in committee in the House of Commons till the 28th of July, some twenty days after it had been withdrawn from the Lords in the previous Session, on account of the lateness of the period. Papers were presented to the House on that occasion calculated, if ever papers were, to mislead them. The House would be led to infer, from this correspondence, that everything was in a satisfactory state with respect to our position in China. An opposition was made to that bill, and it was withdrawn. But what did that bill effect? It merely added a civil jurisdiction to the jurisdiction which existed before. But when they lost that bill in 1838, what had prevented them from exercising, by the authority of the executive Government, the full power which they had under the act of 1833, and convey to their superintendent at least criminal and admiralty jurisdiction? He did not underrate the importance of civil jurisdiction, but if, through the neglect or indifference of Parliament or any other cause, the Government had not succeeded in gaining the civil jurisdiction, they were perfectly independent of Parliament, so far as the criminal and admiralty jurisdiction were concerned, which by order in council might have been established. They might say, indeed, that the consent of the Chinese authorities was necessary before they confirmed their own order in council, in which it was stated that the Chinese government not only consented to this control, but they requested it to be conferred; and surely, they would not now fall back on the excuse, that they could not confer the powers because they had not the consent of the Chinese authorities. They despaired, perhaps, of procuring the assent of the Chinese government. What said, at a later period, their own superintendent? On the 26th of September, 1837, he said distinctly—

> "I would in this place, my Lord, express a respectful but earnest hope, that no time may be lost in the promotion of adequate judicial institutions for the protection of the King's subjects; and I have no hesitation in assuring your Lordship that it is in my power to secure from the provincial authorities the most formal sanction of it."

Now, here he closed his case. He felt that he had established what he undertook to establish—namely, that her Majesty's Ministers were in possession of the means to confer the necessary powers—that they were cognizant of the fact, that these powers did not exist—that they were sensible of the importance of them—that they received continual remonstrances on account of their absence from the superintendent and representative, and from January, 1836, up to this hour, the evil had continued to exist—had become aggravated by the lapse of time, but no attempt whatever had been made to supply it, although the law had provided them with ample power of furnishing it. As strong a case might be made out in the absence of moral influence which naval power gave under the peculiar circumstances in which the superintendent was placed. As strong a case might be made out with respect to the neglect of giving instructions. On these points he would not touch. He again repeated his deliberate conviction that this great calamity with which we were threatened was mainly attributable to the neglect and misconduct of her Majesty's Government. At the same time there was another and perfectly distinct question, what under these circumstances of extreme difficulty might be fitting to be done? The right hon. Baronet (Sir J. Hobhouse), had acquitted those who were opposed to the Government of taking every opportunity of embarrassing the Government by motions relating to their foreign policy; for the right hon. Baronet had said, that during the struggle in the north west frontier of India, at a time when the issue was doubtful, so little disposition was there to embarrass the Government, or to take advantage of any defeat or calamity which, in spite of the best precautions, and the utmost gallantry of our soldiers might possibly arise, that the opposition forbore from saying a single word upon the subject. The noble Lord (Viscount Palmerston) smiled; but this was the testimony of his own colleague. This was the panegyric passed upon the conduct of the opposition by at least an impartial witness, being no other than the right hon. Baronet, peculiarly charged with the affairs of India. And what was it that that right hon. Baronet, who, from his position in the Government, was best calculated to form a correct judgment as to the conduct of the opposition—what was it that that right hon. Baronet said? Why, that pending the struggle on the south-west frontier of India the opposition had acted with a wisdom, moderation, and discretion, which entitled them to the highest praise. He thanked the right hon. Baronet for the conclusive reply which he gave upon that point to the hon. Member for Lambeth (Mr. Hawes), who had not been quite so charitable in the construction which he put upon the conduct of the opposition. He (Sir R. Peel) had not the slightest doubt that if, in the present instance, the object of the opposition had been to devise the most merciful mode of attacking the policy of the ministry in reference to China, the mode by which they could have done so most effectually would have been by bringing forward a motion denouncing the opium trade, and deprecating altogether the war into which we were about to be plunged. If for party purposes they had made such a motion, he greatly doubted whether a considerable majority of the House of Commons might not possibly have voted with them. But he certainly could not consent to conciliate support to the motion now before the House by any positive declaration that he denied the necessity of a hostile demonstration with respect to China. He might think, as he had said before, that a violent outrage had been committed, for which the Government were responsible [cheers from the opposition] having failed to adopt the means that were in their power of preventing it, but which having been committed, none perhaps but the melancholy alternative of war might remain. It might be that after what had passed British honour and the British name would be disgraced, unless some measure were taken to procure reparation for the injuries and insults which had been committed on us. The noble Lord had told them what were the motives for entering into this war. They were threefold; they were, "to obtain reparation for the insults and injuries offered to her Majesty's superintendent and subjects; an indemnity for the loss of their property incurred by threats of violence, and lastly that the trade and commerce of this country should be maintained upon a proper footing." The exact meaning of this he did not know. [Lord *J. Russell.*—It is not what I said.] He thought it probable that the *Morning Chronicle* was correct in attributing those words to the noble Lord. "Proper footing" were exceedingly indefinite words.

Lord *J. Russell.*—If the right hon. Gentleman will allow me, my words were—"that lives and properties of British subjects trading in China should be secure."

Sir *R. Peel.*—But even if it should be demonstrated that hostilities were inevitable, he must say he should deprecate the conduct of them in the spirit in which they had been spoken of by the right hon. Gentleman the Secretary at War. When the right hon. Gentleman referred to the vengeance which had been taken at the battle of Plessey, of having humbled in the dust the Dey of Algiers, he was speaking in a tone and a spirit not essentially necessary to the vigorous prosecution of hostilities, and which might aggravate the calamities of war. He might deprecate, also, the details which had been entered into of outrages committed by the Chinese, without some clear and more decisive proof with respect to some of those points. He knew how easy it was from the past experience of this country in similar circumstances to arouse the public indignation by the detail of individual outrages; but they ought to be perfectly satisfied of the evidence on which the allegations rested. An advantage had been taken of an expression used by an hon. Member in the heat of debate, with a joyfulness which proved to him how happy hon. Gentlemen opposite were to have any adventitious aid, even from the casual expression of a man whose character and uniform manner must have taught them they were putting a construction upon his expressions which he never meant. What was the evidence that the Chinese had resorted to an act which all must admit to be contrary to the usages of war—the poisoning of the wells? It was alluded to in a despatch of Captain Elliot, who said he had heard of a placard declaring that the wells were poisoned, and that he did not believe that it had been done with the consent of the Chinese authorities. There was not the slightest evidence of the fact that there had been any poisoning of the wells, and he deprecated any allusion being made to such a fact for the purpose of exciting public clamour against a great people, but a people of unwarlike habits, and with whom it was of the utmost importance that, after the hostilities we might be forced to enter into, amicable relations and a friendly spirit might again be renewed. The poisoning the wells would be bad enough, but let them not on that account poison the people of this country by allegations such as those he had referred to, while unsupported by sufficient proof. There had been outrages committed by the people of China, and he regretted it; but he might set against these outrages the testimonies which had been borne to the character of the people of that country; and though an individual act might have been committed which would admit of no defence, they should also recollect the provocations the Chinese had received. They should recollect the acts of Lord Napier—they should recollect the publication of a printed placard in the streets of Canton, which roused the people of that country against us, and they should recollect the effects that might be produced on a nation ignorant of our usages by such appeals. They should recollect all the collisions which had taken place, and he believed they would then be surprised at the forbearance of the Chinese under great irritation and exasperation which they had received, and recollecting that, they would not try to aggravate the necessary horrors of war by laying the foundation of permanent lasting hostilities. Honourable testimony had been borne in the despatches before the House to the character of the people of China; and he wished to refer to their conduct when they delivered up to the British authorities fifteen British seamen who had been wrecked on their coast. Captain Elliot says:—

"The fifteen people belonging to the late brig Fairy were despatched to Canton by the Government of Fuhkeen on the day after the arrival of the Raleigh at the mouth of the Min river, and they were all safely delivered over into my hands by the authorities of this province, on the 2d inst. Their generous treatment by the Chinese authorities has been in the highest degree honourable to the humanity of this Government, and I have not failed to convey my respectful sense of such conduct to his Excellency the Governor."

Captain Elliott also said:—

"Before I dismiss this subject I would respectively suggest and request that your Lordship should address a letter to the Governor of Canton, expressive of thanks for the very generous treatment of these fifteen persons. They were well fed, lodged, and clad, and upon their final departure from Foo-chow-foo each individual received a present in silver to the amount of about 50s.

"The one-half of their journey to Canton was performed in chairs.

"There would be no difficulty in transmitting your Lordship's letter to the Governor through an officer, as was done in the case of the Governor-General of India's communication brought on in the year 1829, by Captain Freemantle."

Now, he wished to ask the noble Lord if he had acted on that suggestion—and if he had attempted to mitigate the hostile spirit of the Chinese authorities by returning some civil acknowledgment for such an act? Another favourable testimony had been borne to the character of the Chinese. When Captain Maitland was leaving China, he said it was a duty he owed to the commander of the war junks at Canton to state, that their conduct had been marked by the strictest propriety. Captain Elliot, speaking of the general position of the English in China, said that there were many proofs of the sense of justice entertained by that people before the late outrages took place. He said that in no part of the world was life and property so secure as in Canton. He added, speaking of the act of humanity towards seamen, that he believed that in many important respects the Chinese were the most moderate and reasonable people on the face of the earth. After all those collisions and animosities, they had it from their own officer, the superintendent at Canton—that he believed the Chinese to be in many respects the most moderate and reasonable people on the face of earth. He only asked them at the moment when they were meditating this blow not to direct it in a revengeful spirit. War, if engaged in, must be conducted with vigour, but for God's sake, if they were going to enter into hostilities with an unwarlike people, amounting to 350,000,000, let it not be in a vindictive spirit. Was there any man at the other side of the House who repudiated this sentiment? Did they not wish that justice should be executed, and that the foundation of permanent tranquillity should be laid? The Chinese had an extensive demand for our commodities, and we might depend on it that every blow we struck in this contest, would recoil on ourselves. We should ravage no place in China without in some degree injuring some manufacture at home. He did not underrate our powers in any conflict; it was evident we must have the superiority. They could not read the history of the action of the English frigates with the war junks, which had passed up their line, sinking one after the other, whilst the only shot which struck the English was one in the mainmast, without feeling that our superiority was great indeed. But let us not be deceived as to the perilous nature of the conflict, and its necessary consequences. A new power might arise amongst millions of people, and new weapons which national honour might furnish—nay, even in the majesty of our power, in the certainty of our success, might consist our ruin. We had taken vengeance at Plessey for the horrors of the black hole at Calcutta, and how little was it apprehended that such immense results would follow. He was struck by the remarks of the historian on those events. Mr. Clive marched in 1757, at the head of 700 Europeans and 1,500 natives, obtained a great victory, and a great revolution was the consequence. In the space of fourteen days, one sovereign was deposed, and another placed in his stead. In fourteen days a great revolution was effected, and a government superior in wealth, territory, and population, to most European states, was transferred from one sovereign to another, under the command of a man wholly unacquainted with the arts of war. He (Sir R. Peel) did not know what might be the result of the war with China. He did not know to what revolution it might give rise. There might be universal anarchy, and we might have no alternative but to take the course which they had taken before, and they would then find themselves the necessary masters of that mighty people. Let them remember, too, that there were other powers concerned; and in the course of a conflict with a commercial people having relations with so many powerful countries, they ought to be prepared for the possible contingency of collisions with the nations which traded with China. It had been thought, that other nations would make common cause with us for the purpose of extorting general advantage. Do not act (said the right hon. Baronet) on that opinion. You instituted a blockade on the 11th of September. You withdraw it on the 16th. You instituted it on the supposition that a boat was missing, and you withdraw it because the supposition was a mistake and the boat was recovered. But do not forget that the result of your blockade was a protest from the Americans, who told Captain Smith, that the blockade was unlawful, and that he must be responsible for any loss they might suffer from it. But I cannot help thinking that the protest was more effectual in putting an end to the blockade than the recovery of the men. That protest must have dissipated the illusion that common cause would be made with us by the other Christian nations. Have you read the recent debates in Congress? Have you referred to the despatches of Admiral Owen, who was stationed on the coast of China; who says—

> "Whilst, during war, our naval superiority had driven away every flag from Canton but our own, the threat of stopping trade was an effectual restriction on the Chinese authorities.
>
> "But since the Dutch, the Danish, French, American, and even the Russian flags have, I believe, now found their way to China, there are not wanting those who will instruct the Chinese governors and others, that an export under such flags may be made with as much benefit to China, and the vessels will be more under the control, and better subjected to their regulations."

Again and again, I say, do not enter into this war without a becoming spirit—a spirit becoming the name and character of England. Do not forget the peculiar character of the people with whom you have to deal, and so temper your measures that as little evil as possible may remain. Remember that the character of the people has lasted for many generations, that it is the same now that was given to them by Pliny and many subsequent writers. It is your duty to vindicate the honour of England where vindication is necessary, and to demand reparation wherever reparation is due. But God grant that all this may lead to the restoration of amicable relations with China, with little disturbance of our relations with other nations. In the absence of every confidence in her Majesty's Ministers, I will express a wish, in which the party of the right hon. Member for Edinburgh would join—I pray the Almighty Disposer, from whom all just counsel and good works proceed—I pray to God that he will dispose the minds of this people, and defend them from the evils which they may deserve. I pray to God that he will avert from them the calamities, and turn from us the evils, which, I must say, the neglect and incapacity of our rulers have most righteously deserved.

Viscount *Palmerston* would at that late hour, and after a three nights' debate on a question involving matters of so much importance, endeavour as much as possible to compress into the narrrowest limits which were consistent with a clear and plain statement, the observations which he was about to address to the House. If the resolution of the right hon. Baronet who had opened the debate were not so pointedly directed at the department which he had the honour to fulfil, he should not—and he wished to say it without meaning the slightest offence—think it necessary to address himself to a motion so feebly conceived and so feebly enforced as the one then under discussion; more especially after the able manner in which the Friends around him had refuted the arguments of those on the opposite side. He repeated, the resolution was feeble in conception, and feebly supported, excepting a distinction made by the right hon. Gentleman who had just sat down, and which distinction he was ready to admit. He admitted that one might approve of the vigorous manner in which hostile measures might be carried on, and at the same time disapprove of that course of policy which led to those hostilities. He would not, however, admit the applicability of the instances which the right hon. Gentleman had quoted as precedent for the present course. The case before the House would require a more definite resolution, inasmuch as the instances to which the right hon. Baronet referred related to great and important events, and not to a question as to whether certain answers to certain letters should have been more or less precise. It would appear as if the right hon. Baronet the Member for Pembroke had made his motion to meet opinions and circumstances as they might present themselves. If he were asked whether the present motion was the one which originally suggested itself to the right hon. Baronet, he should say that he did not believe it was. If it were desired to obtain support from the enemies of the opium trade or from the enemies of war, in his opinion the resolution should have been more direct. It was shaped for a peculiar end, and that end was the transference of political power from one side of the House to the other. If his instructions were indefinite, what was the resolution of the right hon. Baronet? The resolution said—

> "That the entire interruption of our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly attributable," &c.

Now, the papers which had been laid on the table of the House showed to what the interruption of friendly and commercial intercourse and the temporary hostility which ensued were attributable. They also showed, that up to the latest period there had occurred no permanent interruption, and the conclusion of the transactions in the year which had elapsed showed that our relations with China were more friendly, and our intercourse more prosperous and successful, than they had hitherto been. He spoke, of course, of the relations as to our legalized trade. But the right hon. Baronet's resolution went on to say, that the state of things in China was

> "Especially owing to the neglect in furnishing the superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband trade in opium, and adapted to the novel and difficult situation in which the superintendent was placed."

Now, it was to be expected, when such a charge was made—and the omission was one of which he had to complain with respect to all the Gentlemen who took part in the debate, not even excepting the right hon. Baronet who last addressed the House, though he came somewhat more near the mark—it was to be expected, when the charge was one of omission, that either the resolution, or some of those who supported it, should state distinctly and definitely what should have been done. There was one circumstance to which he would advert in justice to the right hon. Baronet who had framed the resolution, namely—that there was not in it any censure, either implied or expressed, upon the officer who had been employed in the execution of these difficult matters. All the Gentlemen who had spoken on the opposite side, with a few trifling exceptions, had, he was gratified to say, dwelt upon the conduct of Captain Elliot in terms more of approval than of criticism. He was happy to say this, for it was a principle which ought always to be kept in view in party contests, that whilst they struggled for power, which was an object of honourable ambition, and whilst they attacked each other with all the skill which they could command, the servants of the Crown performing important duties on foreign stations, in which duties they had no personal interest, should be unaffected by the proceedings of parties in that House. He was happy to say, that on that score he had no fault to find with the resolution, nor, save a few exceptions, with the speeches by which it was supported. He felt it due to Captain Elliot, whose zeal, courage, and patience, had been signally exhibited in these transactions, to clear up two points upon which his conduct had been subjected to criticism. It had been said, that he encouraged the contraband traffic in opium. Now, those who held that opinion could not have read the papers which had been laid upon the table. Had they done so, they would have seen, that from the first to the last he endeavoured to discountenance the traffic to the utmost of his power. It would be seen by the papers, that he himself stated he lost much social enjoyment by his persevering opposition to the traffic. In support of this assertion, it was said, that he made preparation to protect the opium vessels from attack, but this was a mistake. His preparations were made for the protection of the cargo ships. But even if it had been otherwise—if he had made preparations for the protection of the opium ships, did the House forget the statement made by the hon. Baronet, the Member for Portsmouth, in a speech so eminently deserving its attention, that there was no law in China authorizing the authorities of that country to seize upon any vessels stationed outside the harbour? With regard to Captain Elliot, he would not enter into the other points which had been touched upon by hon. Gentlemen opposite, and which really were not deserving of an answer. Among these was the charge of having begun actions without provocation, when in one instance he saved the crew of a ship from starvation, and in the other, with the Volage, it was to protect a fleet from attacks, which had been announced by the Chinese authorities. So that in both cases Captain Elliot had been justified in the course he had taken, inasmuch as he was acting, in point of fact, in self-defence. Now, there was another public servant who had been alluded to in the course of this discussion —he alluded to Lord Napier, whose career was short and unfortunate. Differing in opinion with Lord Napier, he did not mean to say, that he thought Lord Napier had throughout displayed good judgment and discretion, but at the same time it must be considered, that the noble Lord's life was the sacrifice of that which he thought the performance of his public duty, and it would be unfair to assume, that if his life had been spared, and he had continued in the performance of those duties, that he might not, by his subsequent administration, have shown, that he was fully qualified for the difficult task imposed upon him. He would not enter into the general details which had been gone into by hon. Members opposite, and which in his judgment had been so fully answered by hon. Members on his side of the House. But there were one or two points which had been specifically touched upon by hon. Members opposite, and which he thought it necessary to allude to. In the first place he could not but express, in common with others, the deep regret and sincere pain with which he had heard the speech of the hon. Member for Newark. The right hon. Baronet who had just sat down, had certainly made a most ingenious speech for his hon. Friend as to whether or not the Chinese had actually had recourse to poison. That, however, was not the point upon which his opinion turned, it was not the only one on which the hon. Member for Newark had made a great mistake. The hon. Member had assumed the fact, and had said, "of course they poisoned the wells."

Mr. *Gladstone* begged to say, that he had corrected himself at the time, and in the hearing of the noble Lord. He (Mr. Gladstone) at the time said, he stated the circumstance, but had no evidence of the fact.

Viscount *Palmerston* thought he had guarded himself against being misunderstood. What he objected to on the part of the hon. Member was (and he did not do so in the spirit of offence), that the hon. Member, without having ascertained whether the charge was true or not, had assumed it in his own mind as a fact, treated it as a matter of course, and said they were justified in doing it for the purpose of expelling from their territory persons whom they wished to drive from their shores. From all he knew of the character of the hon. Member for Newark, he was willing to give him credit, that he would be the last man in the House deliberately and on reflection, to stand up and defend doctrines so monstrous, and he could not but regret the hon. Member had not at this moment made the explanation he had just given, and that he had not fairly stated the expression was hastily used, and that he was far from meaning to hold any such doctrines as his assumption of the facts would have led the world to suppose. He was sure, that in saying thus much he was only stating that which the hon. Member would state for himself. For the honour of the House, and for the honour of the country, he did not wish it to go forth, that any Member of that House would deliberately and advisedly uphold doctrines which that casual expression might have led the country to suppose. There was another observation to which he must also allude, and which had been made by the hon. and learned Member for Woodstock (Mr. Thesiger) who had recently been returned to that House. That hon. and learned Member began a very able speech, and certainly not a very short one, by stating, that the only recommendation in which he stood before the House was his diffidence and his industry. On the first ground he (Viscount Palmerston) could not say how far the hon. and learned Member had entitled himself to the extraordinary indulgence of the House, but the other point—that of his industry—was open to very considerable observation. The hon. and learned Gentleman seemed as though the blue book had been given to him, and that he was told to read it, and give the House a speech. The hon. and learned Gentleman appeared to have looked at it as he would at a brief, and had not troubled himself, or thought it necessary to attend to what had passed in the political world in former times, and naturally concluded, that the statements he found at the beginning of the blue book must be the statements of the beginning of the evils to which the resolution of the right hon. Baronet, the Member for Pembroke, was intended to advert, and certainly the hon. and learned Gentleman who had charged him with having given a back-handed blow to China, had certainly dealt as severe a back-handed blow upon the right hon. Baronet the Member for Pembroke, and the right hon. Baronet who had just sat down, as ever an unskilled sparrer gave to any of his friends. The hon. and learned Gentleman had said, that the origin of all these evils was the instructions sent to the superintendents, and the orders in council in 1833. Now, first of all, he thought the kind feelings of his right hon. Friend who had brought forward the present motion would induce him not to lay much stress on those matters, for he agreed with the right hon. Baronet, the Member for Tamworth, that colleagues in office naturally felt confidence in each other—left to one another the management of the details of their respective offices, and therefore, that nothing could be more unfair and ungenerous than to turn round upon a colleague and say, "You must take the entire share of the blame for your act, because I trusted you at the time." These, however, were measures of importance, they had been fully considered. The right hon. Baronet the Member for Pembroke was party to the general arrangement, and had felt himself bound to it as a Member of the then Cabinet. But not only had the hon. and learned Member for Woodstock dealt his back-handed blow right and left on his own friends, but said, "look at the letter written by the Duke of Wellington to Lord Napier on the receipt of the first account;" and what then had he said of the Duke of Wellington? Surely it was not necessary to praise the noble Duke for his known promptitude in performing the duties imposed upon him—surely it was unnecessary to raise the noble Duke's reputation for business habits, by remarking that he answered a letter the day after he received it. But what was the substance of the letter of the noble Duke, upon which so much stress had been laid? Why it amounted to this—"I refer you to the instructions given, and the orders in council issued by the preceding Government: I have nothing better to tell you than that you should strictly observe the instructions they gave you." Therefore, these very instructions which in the opinion of the hon. and learned Member for Woodstock, were the origin of the evils of which the resolution before the House took notice, were sanctioned in the first place by the right hon. Baronet, the Member for Pembroke, and afterwards confirmed and enforced by the noble Duke during the Administration of the right hon. Baronet, the Member for Tamworth. He had been much condemned for not answering the representations he received with sufficient promptitude. Now, if so much credit was to be claimed as due to the Duke of Wellington for answering one letter the day after it was received, surely some credit was due to him for having answered two letters precisely in the same way, the day after they were received. He had got here a list of a great number of despatches which he had written, and any person who would take the trouble to go through them in detail, and see the dates when despatches were received and answered, would find that the statement made last night by the hon. and learned Member for Liskeard was true, and that the despatches desiring his (Lord Palmerston's) opinion were answered immediately. But then it was said, there were instructions which ought to have been given, and which had not been given. The right hon. Baronet, the Member for Tamworth, had narrowed his attack in a way which was much more convenient to meet than by wandering through the mazes of the *Blue Book.* The right hon. Baronet had said, the superintendents were not furnished with those instructions and powers which it would have been the straight course to have pursued. Again, he asked what were the instructions and powers which ought to have been sent? Hon. Members opposite said it was not for them to tell—they made the charge, and it was for him to defend himself against it. Now, if a man was charged with an offence of commission, it was not necessary to tell him what he had not done, but, when the charge was of a reverse character, where the offence was omission, and a man was blamed because he had not done something, he certainly had a right to ask what that something was which it was expected he would have done. Invariably had hon. Members shrouded themselves in the mysterious terms of "precise instructions and sufficient powers." They did not choose to say more particularly what those precise instructions and sufficient powers ought to have been. Not one of these hon. Members, not even the right hon. Baronet himself, who went nearest the mark, had ventured to say, "the powers you ought to have given were, to expel from China, by your authority, every man who was engaged in the opium trade, and to drive away every ship by which that trade was carried on." They did not choose to say so, but they implied it. That, however, was a monstrous and arbitrary power, a power open to great abuse, and one which he asserted it was never meant or intended to have been given by the Legislature, and never asked for by the Government. Hon. Members said, that the instructions of 1833, given by an order in council, proved such intention. He denied it. He affirmed, that the instructions given upon that occasion were those invariably given to every consul or officer who was sent to any foreign station—instructions to collect statistical information, to afford protection to all British interests and British subjects—to mediate between British subjects and the Government of the country, and to report any matters which he might deem worthy of forwarding as information to the home Government, but he defied the right hon. Baronet to show him any part of those instructions which directed our agent in this case to expel from China any ships or merchants who he might think, or who the Chinese authorities might think, were engaged in the contraband trade of opium, or in any other contraband trade whatsoever. The Government, it was said, had established courts, and hon. Members who supported this motion, one and all, had argued upon the assumption that the Government had not established those courts which the law enabled them by an order in council to establish. Those who made that assertion, could not really have read with common attention the papers upon this subject, for if they had cast their eyes to the second order in council, he meant that of 1833, they would see that that order in council did establish in China that court of criminal and admiralty jurisdiction which the Government were accused of neglecting to establish. Not only was that court established by the order in council, but it had, the right hon. Gentleman the Attorney-general well knew, been called into action—that a trial had taken place in it, the proceedings of which he had felt it his duty to place before the law officers of the Crown. All the long arguments upon this subject, which were founded upon the assumption that the Government had not given those powers which the act enabled them to give, fell at once to the ground upon the simple statement, that that court had been constituted, and continued to exist down to the present time. Then he might be asked, if that be so, why bring in the China bill of 1837 and 1838, and what did that bill intend to do? That bill intended to provide for the inconvenience reported to him in 1836, the representations on which had been so often quoted, but which, by accident, had been perverted as if it applied to another matter, it having been said, that the demand was for powers of a different kind, that bill intended to provide for the inconvenience arising out of a transaction between two merchants, and which inconvenience was stated to be this—that though there was a court of criminal and admiralty jurisdiction, there was no court of civil jurisdiction capable of enforcing a debt due by one British subject to another. It was mainly to correct that defect in the original bill that he introduced the bill of 1837, called the China Courts Bill. That bill contained another provision which he would state to the House. The China trade act conferred a power upon the King to establish courts—not, as some hon. Gentlemen supposed, through the agency of the superintendent, but conferred a power upon the King himself to make regulations for British subjects in China, and attached to a breach of those regulations such penalties, forfeitures, and, he believed, imprisonment, as might be advised. Well, in the China Courts Bill, which he brought in in 1837, he proposed, besides those powers which he had enumerated, to enable the criminal court to sentence any British subject for a breach of those regulations, to expulsion from the limits of the jurisdiction of that court. Such was the alteration which had been made in that bill. The right hon. Baronet who last addressed the House, said, that the extensive nature of the powers which he contended ought to have been given to the superintendent, would be excused by an assertion, that the China Courts Bill did not pass. He would make no such excuse. The first year, that bill failed in the House of Lords, not from the lateness of the season, as the right hon. Baronet supposed, but in consequence of its having been intimated by Lord Ellenborough, that he would oppose it—that he entertained towards it great objections, which he would argue upon, and enforce at great length, and also in some degree from the anticipation of the unfortunate event which happened soon after the bill was dropped. He brought it forward a second time in the following year in the House of Commons. It had been said, that there was no great earnestness about it—that although it had been brought forward in April, it was not committed until July. He could only assure the House, that night after night he had attended in his place and endeavoured to persuade the House to proceed with that bill, but was obliged, at the request of hon. Members, from time to time, to postpone it. It at last came on, and, without meaning to say anything invidious of the right hon. Baronet opposite, he must be permitted to observe, that the account given of the short debate which took place upon the occasion, as given in the *Mirror of Parliament*, perfectly tallied with his (Lord Palmerston's) recollection of what had passed. The right hon. Baronet was reported in that debate to have taken two objections to the bill. First of all the right hon. Baronet objected, and indeed so did many of his hon. Friends behind him, object to the principle of establishing any court in the territory of an independent sovereign, without having had the previous consent of that sovereign. That objection was stated by the hon. Member for Portsmouth, and enforced by the hon. Member for Lambeth. Then the right hon. Baronet said :—

> "I do not see how writs and processes are to be served, and I much disapprove of the absolute power which is given for the deportation of British subjects."

To an absolute power of deportation he should object as much as the right hon. Baronet, but if the right hon. Baronet objected to that power, which was a power given to the court upon trial and judicial sentence to condemn a person to be sent from out the jurisdiction of that court—if he objected to that power so guarded, and placed in such hands, he should like to be told by the right hon. Baronet upon what possible grounds, if he positively did think it would be expedient the power could be given to the superintendent of expelling by his authority British subjects from out the jurisdiction of that court. In order to show the opinion which the right hon. Baronet entertained on the general powers and authorities to be given under the bill, he would quote another passage from the speech of the right hon. Gentleman. The right hon. Gentleman stated,

> "That so far from being favourable to the extension of the powers of those courts, I think they ought to be withdrawn altogether."

Here, then, they found the right hon. Baronet stating that the powers which the courts already possessed ought to be withdrawn altogether, instead of being extended, and they had at the same time heard the right hon. Gentleman, the Member for Tamworth, bring a charge against him for not having constituted the courts which his right hon. Friend thought ought not to exist at all. It was difficult for any government to exculpate itself to the satisfaction of parties who entertained such differences of opinion. After all, the real question was, what ought to have been done? He must say, that he had given such powers and instructions as he had considered necessary; but it was said that if the Government of 1835 had continued in power, they would have settled things differently, and as a proof that such would have been the case, hon. Gentlemen opposite referred them to the memorandum of the Duke of Wellington. He wished that hon. Gentlemen opposite had read that document with more attention, for they would then have seen that the recommendations of the noble Duke had been carried into execution. The document was a very clear one, and, considering the short time which the noble Duke had to consider the subject to which it related, more than a general outline of the policy to be pursued could not have been expected. He must say, however, that the memorandum appeared to him to fall into the same error as hon. Gentlemen opposite, in supposing that courts had not been established in China, and that some further Order in Council was necessary for the attainment of that object. If that was a correct view of the meaning of the document, then, he must say, that it was a misapprehension of the case, for those courts had actually been established. The memorandum, however, recommended that some rules of practice should be framed for regulating the proceedings of the courts. Now he had fully considered that subject, but he felt that there was great difficulty in framing such rules, and as the courts were ordered to conform their practice to that of the English courts, he did not consider that the want of those rules was very important. The memorandum said, that if provision really was made for forming a court, it would be necessary to frame—what? Penalties for the violations of the regulations of trade? No; but some simple rules of practice, which might be carried into execution without the assistance of gentlemen of the legal profession, who would not be found upon the Canton river. Very proper; but the noble Duke did not mean to imply that larger powers were necessary, or that more specific instructions were wanted. The noble Duke also recommended that some alterations should be made in the instructions to the superintendents. The superintendents were then instructed to go to Canton and reside there, and the memorandum set forth that Canton was within the Bocca Tigris, to which point it was stated that her Majesty's ships are not to go. On these points the noble Duke observed, that the superintendents were required to go and reside at a place to which the Chinese authorities would not allow them to go, and at which they would not allow them to reside. "This," continued the noble Duke, "and other matters," and those matters were not specified, "require alteration." The memorandum then went on to say,

> "It will be in the power of the Government hereafter to decide whether any efforts shall be made at Pekin, or elsewhere, to improve our relations with China, commercial as well as political."

That was a wise observation, for it was plain that the great question to consider was, whether they ought to attempt to improve their relations with China by means of an embassy or mission to Pekin. The memorandum then only recommended a change in the instructions as to the residence of the superintendent at Canton, and that powers should be given to that officer similar to those which had been conferred on the supercargoes. The memorandum, in the last place, recommended that till the trade returned to its usual and peaceable channel, a stout frigate and a smaller vessel of war should always be within the reach of the superintendent. Now, he must say, that that was a recommendation at variance with the principle acted on by the East India Company, and at variance also with the principle upon which the instructions to Lord Napier were founded. The East India Company had always insisted on not allowing any ship of war to go to the station at all, for fear of exciting jealousy in the minds of the Chinese. It was upon that principle which he had acted, for he had told Captain Elliot not to allow the frigate which took him out to remain at Canton; and he had also given instructions to the admiral on the station not to send unnecessarily any ships of war to that place. But the Duke of Wellington had only said that a stout frigate and a smaller vessel of war should be within the reach of the superintendent, and he would ask if he had not acted in accordance with the opinion of the noble Duke? He had written to the Admiralty to send out a ship of war to China for the protection of British subjects, and further, the admiral on the station had been directed to go himself to China, in order that by personal communication with the superintendent, arrangements might be made whereby naval protection might always be afforded in case of necessity. When, then, it was stated that he had not taken sufficient precautions for the protection of British subjects, and when it was contended that he had not given the necessary instructions to the superintendent, and the necessary powers, he must say, that those allegations were disproved by the papers which had been produced, and by the actual facts of the case. Nor could it with justice be said, that it was his duty to direct the Admiralty to be always sending ships of war to the China station, for if hon. Members would look at two letters from Captain Elliot, contained in the volume of despatches, they would find that that gentleman disapproved of such a course, and stated, that to have ships of war always in the Canton waters, was not likely to bring about the legalizing of the opium trade. There was, therefore, nothing, he contended, in the memorandum of the Duke of Wellington, except with regard to the rules of practice for the courts, which had not been carried into effect by the present Government. Naval protection had been afforded, and the House would recollect, that having ships of war in China had not always prevented violence. Two frigates had accompanied Lord Napier to that country, but they had not been found sufficient to restrain the violence of the Chinese. Did the violence against Lord Napier bear upon the instructions which had been given? There were two points on which Lord Napier had insisted. The first was a personal communication with the Chinese authorities, and the other was, on sending a letter direct, instead of a petition, as formerly, to the Hong merchants. What had Mr. Davis said, in reference to these points? Mr. Davis said, in August, 1834,—

> "Lord Napier was clear as to his instructions always to decline any but direct communication with the officers of the Government, and in the policy of this I have no hesitation in concurring, for communication through the Hong merchants is of no avail, and unless we can have direct access to the Government officers, we can do nothing whatever."

Yet he was now accused of preventing these officers from being able to do anything, while he was at the same time blamed for attempting to procure for them that direct communication which they themselves pronounced to be absolutely and indispensably necessary. Lord Napier's letter was refused because it was not forwarded in the shape of a petition, and because it did not proceed through the Hong merchants; Mr. Davis said:—

> "Lord Napier's letter has been rejected on the most frivolous and inadmissible pretexts;"

And Sir George Robinson said the same thing, his words being,—

> "I most fully and entirely concur in Mr. Davis's observations in all respects."

Here were, then, two excellent authorities, both concurring in the decided opinion that the superintendent should have direct communication with the viceroy, and that it was absurd that they should present a humble petition to irresponsible merchants. Captain Elliot obtained permission that his communications should go direct to the viceroy, in the shape in which he might think it right to forward them. As far, then, as regarded the constitution of the court, and the protection by ships of war, he had done everything which others proposed to do, and had accomplished more than they had expected ever to accomplish. He had given to the superintendent instructions as to the trade, and he was blamed because they were not long enough. Gentlemen who made long speeches thought that he ought to write long letters. They imagined that precise instructions contained in few but significant words were not proportioned to the length which they had to travel; they imagined that when you write to China, your letter should be as long as the voyage. On the contrary, he held it to be the duty of a Minister to give his written instructions, distinctly, decisively, and without circumlocution, to write so as not to be misunderstood, at sufficient length but with not one word redundant. As to the loss of property incurred by the individuals engaged in the contraband trade, what more could he have done, unless it were said (what none of the hon. Gentlemen had dared to say), that to put down the opium trade by acts of arbitary authority against British merchants—a course totally at variance with British law, totally at variance with international law, a course of the most arbitrary kind, and liable to every possible objection—was a fitting course for the British Government to pursue? It would have been a forced interpretation of the act to have done so. Any Government would have been greatly to blame which, without taking the sense of Parliament, would upon its own responsibility, have invested a consulate officer, at 15,000 miles distance, with powers so arbitrary. If the Government had intended to give such a power, they should have first come down to Parliament for its precise and positive sanction. If any other man had proposed to confer such a power, he would have opposed its concession. He was perfectly sure that, if he had made such a proposal, it would not have been agreed to, and that the first person to object to the proposition would have been the right hon. Baronet. He would make the supposition that they had proposed it, and that Parliament had given them the power, and that they had given to the superintendent the right of issuing an order for prohibiting our subjects from engaging in that trade. Would that order have been obeyed? He must enforce it by inflicting punishment for its violation. It would have been violated by two-thirds of the community there. The value of the British commodities sent from England to China annually was about 5,000,000*l.*,—2,000,000*l.* worth of opium, and 3,000,000*l.* of other commodities. The superintendent's order would have been disobeyed. He would have had to execute it by force, and for that purpose must have some physical force at his command. The idea of placing a number of armed men under his orders would not have been very palatable to the Chinese. With a British fleet on their coast and British troops on their shore, they would have remembered some of those Indian stories which were rife over the Asiatic continent; and probably they would have told the English residents that they would like their total absence much better than the presence of their army and navy. But suppose that Captain Elliot had succeeded in expelling the opium trade from the Canton river, what would have been the consequence? The trade expelled from Canton would have taken refuge in other places, as already they were informed was the case by the papers which had been just laid upon their table. It would have gone along the coast of China, studded with islands, indented with harbours, lined with cities and towns, all thirsting for trade, of whatever description, but most eagerly for trade in this especial article; and instead of being concentrated as now, it would be diffused over all that immense extent of district. They were told that the Chinese government were anxious to put down this trade, out of regard for the morality of their subjects. He would be the last to defend a trade which involved the violation of the municipal laws of the Chinese, and which furnished an enormously large population with the means of demoralization, which tended to the production of habits inconsistent with good order and correct conduct. But he put it to any man opposite, whether he could with a grave face say, that he honestly believed the motive of the Chinese government to have been the promotion of the growth of moral habits? The answer to such a supposition was, why did they not prohibit the growth of the poppy in their own country? The fact was, that this was an exportation of bullion question, an agricultural interest-protection question. It was the poppy interest in China, and the practical economists who wished to prevent the exportation of the precious metals that led the Chinese government to seek to put down this contraband trade in opium. But it was said, that it was our duty to co-operate with the Chinese government in putting down this contraband trade. He wondered what the House would have said to her Majesty's Ministers, if they had come down to it with a large naval estimate for a number of revenue cruisers to be employed in the preventive service from the river at Canton to the Yellow Sea for the purpose of preserving the morals of the Chinese people, who were disposed to buy what other people were disposed to sell to them? Why, the House would have turned a deaf ear to their supplications, and would have refused to grant them a single farthing. Nay, he verily believed, that if they had endeavoured to execute the laws of China for the Chinese government, and had attempted to establish a vigilant police to do that in China which they were unable to do in their own country—namely, to put down smuggling—the House would not have treated their proposals with serious levity, but would absolutely have laughed them out of court. And yet without such a police, and without such a preventive force, the instructions which Ministers were ridiculed for not sending, would have been nothing more than waste paper. But if Parliament was so good natured as to attempt it, what was the likelihood of their succeeding? Suppose such extraordinary powers as were asserted to be necessary vested in the superintendent, a community such as the English formed in China was likely to have its factions. It had, no doubt, all the great principles of the constitution, one of which was party spirit. Suppose a superintendent exercised honestly his power of expulsion, on the ground of some transaction in which party feelings were interested, what torrents of abuse would be poured out against him? How the newspapers of Canton, of England, and of India would echo with abuse of such abominable tyranny! What, if he exerted the power against a man connected with some great house at Canton, with great interest, representing the great interests of some commercial establishment, what compensation would be deemed sufficient for what was deemed an unjust, capricious, arbitrary expulsion from China, just at the moment when his presence might be necessary for the interests confided to his care? Our merchants, too, would carry on the trade under the American flag; under that flag they would snap their fingers at our cruisers; and thus the trade in opium would not be put down. Instead, therefore, of thinking himself liable to the censure of the House, he absolutely claimed merit for not having given to the superintendent at Canton such powers and instructions as the right hon. Member for Pembroke recommended. But it had been said, that we ought to send an embassy to China. That was a point not undeserving of consideration. But considering what had passed when other embassies had been sent, knowing the disinclination of the Chinese to enter into diplomatic relations with foreign states, reflecting that we had not any practical measure to propose to their government for consolidating friendship or alliance, he thought that it would have been an unwise policy to send an ambassador to China, when the only practical measure which we could have proposed to the Chinese government was to join with them in putting down the trade in opium. Another objection to this plan was, that when our mission, and cruisers, and coast-guard had arrived in China, we might have found the trade in opium legalized by the Chinese government. Was that suspicion of his unfounded? Certainly not. Even after the seizure of the opium, Captain Elliot, in a despatch dated April, 1839, confessed that he had a suspicion that these confiscatory measures would end in a legalization of the trade by establishing a monopoly of the drug in the hands of the Chinese government. To send an embassy, then, or a mission to China, to propose that we should concur with them in putting down the trade in opium, was a measure that never could have been reasonably expected to proceed from her Majesty's Government. He thought that he had now made out all the points on which he rested his defence. He had answered all the points of charge against him, which had been dwelt on so much by the hon. Members opposite, and particularly by the right hon. Member for Pembroke. He had shewn that he had given instructions on all points where instructions ought to be given; that he had made arrangements for protecting the legitimate trade; that he had instructed the superintendent not to protect the illicit trade; and that he had gained for the superintendent the power of direct communication with the authorities at Canton, which was said to be so indispensably necessary for the welfare and prosperity of the British residents. One thing in this debate had gratified him. He was glad to hear the right hon. Baronet declare, that it was necessary that measures should be taken to vindicate the honour of the British flag and the dignity of the British Crown. He thought that was the general opinion of the House, and of those parties in the country who were most interested in the question. Some stress had been laid on the circumstance that the operations now to be undertaken were uncertain in their result. Every operation was uncertain in its result, and no one could think that the hopes he might venture to entertain might not be defeated by unforeseen contingencies. The right hon. Baronet had expressed a hope in which he was glad to say that every Member of her Majesty's Government had participated—that the measures rendered necessary by the acts of the Chinese authorities might not partake of a vindictive character, and be conducted on a system of ravage and destruction unnecessary to the accomplishment of our purpose. He could assure the House that her Majesty's Government fully concurred in that sentiment, and he trusted that when the pending transactions should be brought to a close, and Ministers should have to render to the House and the country an account of their proceedings, it would be found that our demands had not exceeded the measure of justice, and that the means resorted to to obtain the concession of them had not been more severe than the necessity of the case required. It was quite foreign to the subject to discuss whether the Chinese were a cruel or a mild and kind-hearted people. He believed that both cruel men and benevolent men were to be found among them, as among all other nations. They had done some acts of great barbarity, as the burning of the Spanish vessel, which was mistaken for an English ship, and the atrocious attack on the packet-boat, in which our unoffending countryman was so cruelly mutilated. On the other hand, there were many circumstances, such as those mentioned by the right hon. Baronet, in which great kindness and benevolence had been displayed by them. On the whole, he should say, that the Chinese were not a cruel people, and there was one feature in their character which was very commendable—their aversion to capital punishments. But that was not the question now to be determined. If a government had a quarrel with the authorities of another country, and they were obliged to demand redress, it never entered into their consideration to make their measures stronger if they thought the people were of a ferocious and uncultivated disposition, nor to make them less decided because they thought the inhabitants of a milder character. The character of the people was a matter of no concern, except in so far as a demand for redress was more likely to succeed with people of a humane temper. It was said, that we might embroil ourselves with other countries if we embarked in this pursuit of our just rights in China. If that misfortune should arise, we must meet it as we could. We ought not to be deterred, nor should any country be deterred, from enforcing just demands by such considerations. He applied the maxim to every other country as well as this. That possibly might be an element for prudential consideration, but that was for the country itself to judge. What, he would ask, was the opinion with reference to our present proceedings of those Americans who had been represented as interfering with our blockade of the Canton river, and endeavouring to excite the jealousy of their friends at home against us? No copy of the remonstrance alleged to have been made by some of their number against the blockade had been transmitted, either by Captain Elliot or Captain Smith; but he held in his hand a copy of a memorial addressed by these American merchants to their own Government, which might be taken as a cool and deliberate expression of their opinion of the conduct of Captain Elliott, and of the British government generally, in these affairs. He would read a portion of that document to the House. It was dated Washington, 24th January, 1840:—

"Several of our merchants at Canton, interested in the China trade, have memorialized Congress, setting forth the recent proceedings at Canton, and soliciting a co-operation by the Government of the United States with that of Great Britain, in establishing commercial relations with China on a safe and honourable footing, and especially in obtaining the following concessions:—

"Permission for foreign envoys to reside near the Court of Canton on the terms, and with all the privileges, accorded at other courts, through whom appeal may be made to the Imperial Government in cases of difficulty with the local authorities in the prosecution of our commercial pursuits.

"Second—The promulgation of a fixed tariff of duties on articles both of import and export, from which no deviation shall be allowed on any pretence whatever.

"Third—A system of bonding warehouses, or some regulations permitting the transhipment of such goods as may be desirable to re-export for the market in China.

"Fourth—The liberty of trading to other port or ports in China than that of Canton.

"Fifth—Compensation for the losses caused by the stoppage of the whole legal trade of the port, and the subsequent detention of vessels and property, with a guarantee against the recurrence of similar arbitrary acts, and security for the free egress from Canton and other ports of all parties not guilty of crime or civil offences, at any and at all times.

"Sixth—That until the Chinese laws are distinctly made known and recognised, the punishment of wrongs committed by foreigners upon the Chinese and others shall not be greater than is applicable to the like offence by the laws of the United States or England; nor shall any punishment be inflicted by the Chinese authorities upon any foreigner until the guilt of the party shall have been fairly and clearly proved.

"The memorialists (Americans) avow their opinion that the course pursued by the Chinese commissioner was unjust, and no better than robbery; that if satisfaction is not yielded to the demand of the British government, blockade of the chief ports and rivers of China ought to be resorted to, and that the appearance of a naval force from England, the United States, and France on the coast of China, would, without bloodshed, obtain from the Chinese government such acknowledgments and treaties as would place the foreign commerce upon a safe and advantageous footing.

"The memorialists further ask, that should the government of the United States determine not to interpose in the affairs of American and British citizens in Canton, then they ask for the appointment of an agent or commissioner to reside at Canton, with a sufficient naval force to protect American commerce, and the persons of American citizens from being held responsible for the acts of lawless traders and for the hostile operations of a foreign fleet, or at least to prevent any paper blockade from interfering with their commerce, and also to secure a participation in such privileges as may be granted by the Chinese to other powers."

Again, what was the opinion of British merchants on the same subject? He held in his hand a letter from thirty respectable firms in London engaged in the China trade, and which he would beg leave to read to the House. The noble Lord then read the following letter:—

"London, April 9, 1840.

"TO THE VISCOUNT PALMERSTON.

"My Lord—We, the undersigned British merchants connected with China, cannot but view with the greatest alarm and apprehension the probable effect of the expression of any public opinions with respect to the justice and policy of the measures understood to be taken by her Majesty's Government to obtain redress for the insults and injuries inflicted on British subjects by the Chinese government, and for the future protection of the legal trade with that country. We disclaim all pretensions of dictating to the Chinese the mode in which the British trade with China shall be carried on; but we cannot refrain from expressing our deliberate opinion, that unless the measures of the Government are followed up with firmness and energy, the trade with China can no longer be conducted with security to life and property, or with credit or advantage to the British nation.

"We have the honour to be your Lordship's most obedient humble servants,

(Signed)

" G. G. De Larpent, chairman of the East India and China Association.
J. Horseley Palmer.
J. Mackillop.
Briggs, Thurburn, Acraman, and Co.
Gledstanes, Kerr, and Co.
Alexander George Milne and Co.
Small, Colquhon, and Co.
John S. Rigge, of the firm of Sanderson, Frys, Fox, and Co.
H. H. Lindsay.
Gregson and Co.
Daniel Dickinson and Co.
Crawford, Colvin, and Co.
Larkins and Co.
Lyall, Brothers, and Co.
Walkinshaw and Co.
Gardnir, Urquhart, and Co.
John Hine.
W. J. Hall and Co.
Alexander Matheson.
James W. Smith.
Walkinshaw, Skinner, and Co.
Magniac, Smiths, and Co.
Dallas and Coles.
Wm. Drayner.
Hunter, Gouger, and Co.
C. S. Gover.
Robert Eglinton and Co.
Scott, Bell, and Co.
John Brightman.
C. R. Read and Co."

The parties whose signatures he had read were these. These are the parties whose interests are at stake—these are the parties most interested, yet although I believe the majority of them are hostile to the Government generally, yet they come forward voluntarily, spontaneously, to say, that if the objects of the Government are not carried out, British commerce in China would be at an end. It was impossible, it was indeed preposterous to suppose, that if the same indignities which had been heaped upon British subjects in China, from the time of Lord Napier's expedition down to the present period, were to be persevered in, unresisted and unredressed, it would be impossible to suppose that, under such circumstances, any British merchant could, with any regard to his safety or his self-respect, continue his commercial operations in these parts. But the right hon. Baronet, in the motion which he had submitted to the House, evaded all the real and substantial merits of the question. His motion said not whether any measure should be taken by the Government to diminish the trade in opium—though he thought it doubtful whether the usual effect would not be produced upon the destruction of any monopoly, and the produce be increased. It was not likely that, supposing we were to diminish the supply in India, it would not immediately be transferred to Turkey, Persia, or some neighbouring country. The motion of the right hon. Baronet, however, steering clear of all the difficulties of the case, evading all the real circumstances, attempted by a side wind, bearing upon an incidental part of these transactions, either to cripple the measures which her Majesty's Government had adopted for the accomplishment of the objects which they had in view, or else to take the matter out of their hands in order that the right hon. Baronet and his colleagues might themselves reap the harvest of which her Majesty's Ministers had sown the seed. (*Hear*). Then, perhaps, it was only out of kindness and compassion that the right hon. Baronet came forward nobly, volunteering in his own person to bear the consequences of the impending and inevitable defeat. Thus, like generous enemies, who could sometimes show mercy, and give succour to a fallen foe, even on the field of battle, the fray being over, the right hon. Baronet and his colleagues wished now to rescue her Majesty's Ministers from the perils which awaited them, and placing themselves in the breach to face the ruin and disaster which were to be expected from the impolitic orders which they had given. But feeling, as he did, that the object of this expedition would probably be accomplished without resorting to warlike operations, and that the demonstration of the British forces acting on the mind of the Emperor of China, and on the minds of his friends and counsellors, who were different persons from Mr. Commissioner Lin, might bring him to a sense of that justice which was said generally to inspire him, he could not help hoping that these disputes might yet be brought to an amicable and happy termination, and the right hon. Baronet would be spared the exhibition of his generosity. The right hon. Baronet had received a lesson last year of the inconvenience of delay which did not appear to have been thrown away upon him. Last year the right hon. Baronet moved for papers relating to the affairs of the East, which were produced; and this year he had almost killed the clerks of the Foreign-office, in preparing these papers relating to China, the right hon. Baronet thinking that no time at all could be required for their production; and he had actually broken through, (he spoke the literal fact,) broken through one of the floors of the Foreign-office, with the weight of types accumulated in the printing of these papers. Last year the right hon. Baronet exhibited equal impatience for the India papers as that which he had manifested for these relating to China, but when they came, the right hon. Baronet found that he could not, consistently with the natural candour for which he was distinguished, in spite of the little party feeling which the right hon. Baronet could not always suppress, bring himself to make any motion on the basis of such papers. The right hon. Baronet therefore, then gave up the subject in despair, and the result of the events of this year was such, that the right hon. Baronet himself, and his party, instead of the vote of censure he meant to move, had been compelled to concur, which they did most cordially, in a vote of thanks to the brave and gallant officers who had so ably executed what her Majesty's Ministers had so wisely planned. This year, however, the right. hon. Baronet was determined not to fall into the same moat, and suspecting as he does, that these transactions will lead to results, if not accompanied by such brilliant deeds, characterized by equal success — the generous feeling which actuates the right hon. Gentlemen opposite so gladly to concur in marks of approbation to our gallant soldiers—impels them with chivalrous impatience, to endeavour, though even by a side wind, to place themselves in a situation to meet the victorious accounts they anticipate, and that they may have the honour of proposing, instead of concurring in votes of thanks to our gallant forces. He believed hon. Gentlemen opposite would be deceived in their anticipations as far as the result of this debate was concerned. He believed that all the little solicitations which have been employed to one Member—" Don't you disapprove of the opium trade?" and to another, " Can you approve, even by implication, of a war with heavy expenses and increased taxation?"—he believed all these little attempts to undermine the Ministers would be of no avail. He was convinced that those who supported the Ministers on the want of confidence vote, would not desert them now, and that they would support them in resisting this motion of censure which they did not deserve, and this palpable endeavour to substitute another Ministry in their place.

Sir *J. Graham* could assure the House, that at that hour he would endeavour to imitate the brevity of the noble Lord's despatches, rather than the length of his speech. He would begin with the latter portion of the noble Lord's address, but he must say, he paid the Opposition a compliment when he thought that any suggestion the Opposition could offer would have any chance of prevailing against those who had the blandishments of office at their command. He was disposed at all times to attach the greatest importance to the representations offered by the merchants of the city of London, but he must observe, in reference to this subject of the Chinese trade, that he had noticed in them, at all times, a strong disposition to resort to the use of force, and their representations he looked on, at the present moment, with peculiar jealousy, when he knew that there were bills in London connected with the opium trade, under protest to no less an amount than 2,000,000*l.* He concurred most heartily in the desire which had been expressed, that this demonstration of force, without further bloodshed, might produce the desired result of renewing our commercial relations, and he must say, right hon. Gentlemen who had commented with so much severity on any unguarded expression of his hon. Friend, the Member for Newark, had not themselves been remarkable for their measured language. The hon. Secretary of War had indulged in language and illustrations which he had listened to with the greatest astonishment. He had spoken of the boast of Cromwell, that he would make the name of an Englishman as dreaded throughout the East as that of a Roman citizen; and from the circumstances under which that boast was uttered, he could only infer that the purpose of the right hon. Gentleman was to intimate that he was desirous of inflicting upon the Chinese vindictive punishment. He was anxious to go into detail on the different subjects introduced by the noble Lord in the course of his speech, but at that late hour, he would confine himself to one or two points. The noble Lord had assumed a confident and even arrogant tone in regard to this question, and stated it as if it were a clear and simple one, while the right hon. Gentleman near him admitted, that it was one of great doubt and difficulty. Now, to refer to the resolution he had submitted—it had met with various comments; some hon. Gentlemen opposite had passed a high encomium on it, and others had as warmly condemned it. It was the most hopeless operation in the world—nothing was so hopeless as throwing out baits for fish that would not bite. He would never so waste his time. What he wished to convey by it was, the impression upon his own mind, that the present state of affairs was produced by mismanagement and want of foresight on the part of her Majesty's Ministers. He had been educated in a school, and initiated into taking part in an opposition under expert masters; it was his misfortune to have been educated in a school in which the noble Lord was acting on the defensive. He could assure the noble Lord, to the best of his recollection, that this resolution was framed on the most approved principles—the noble Lord, the Secretary for the Colonies, knew what they were. The resolution was drawn up according to the principles of the late Mr. Tierney, who was well practised in the art of attack, and whose rule was always to stick to the past, and never to speculate as to the future. He admitted that this was in some measure a party resolution, and that it was meant to exhibit the feeling of party. He should, however, be ashamed to think there was anything in his motion inconsistent with facts or truth. The noble Lord had said he had gratified him by presenting all the papers he had asked for; and there was certainly enough of them, however little they might prove. If the clerks in the Foreign-office had been, as the noble Lord said, half killed in preparing them, they had their revenge, for he had been half killed by perusing them. If the House would permit him, he should like to follow the noble Lord through the various parts of his speech. The hon. Baronet was interrupted by loud cries of "Divide, divide," "Question, question," from all sides of the House, but the Speaker called "Order." The right hon. Baronet again attempted to address the House, but his voice was completely drowned in the shouts of "Divide, divide, divide," and he at length gave way, and resumed his seat.

The House divided on the resolution:—Ayes 262; Noes 271: Majority 9.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barneby, J.
Barrington, Visc.
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Cantalupe, Viscount
Castlereagh, Viscount
Chapman, A.

Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hn. W.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Elliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Feilden, J.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Captain
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W.
Jenkins, Sir H.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kelburne, Lord
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, P. W. S.
Miles, W.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visc.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, J. R.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, rt. hon. C.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Andover, Lord
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Bassett, J.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Brabazon, Lord
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Byng, rt. hon. G. S.

Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cavendish, hn. G. H.
Chapman, Sir M. L. C.
Chetwynd, Major
Chichester, J. P. B.
Clay, W.
Clayton, Sir W. R.
Clive, E. B.
Collier, J.
Collins, W.
Conyngham, Lord A.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Cormpton, Sir S.
Curry, Serjeant
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzsimon, N.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grattan, H.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, right hon. Sir G.
Grosvenor, Lord
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord D.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcote, G. J.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Johnson, Gen.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macaulay, rt. hon. T. B.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Molesworth, Sir W.
Moreton, hon. A.
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Noel, hon. C. G.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Tavistock, Marq. of
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, F.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hon. Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, L.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

Paired off.

Archdall, M.	Bodkin, J. J.
Ashley, hon. H.	Cayley, E. S.
Bailey, J., jun.	Currie, R.
Bateson, Sir R.	Roche, Sir D.
Bethell, R.	Denison, E. J.
Broadwood, H.	Jervis, J.
Burr, D. H.	Maher, T.
Burroughes, H. N.	Pryme, G.
Burdett, Sir F.	Cave, hon. R. O.
Campbell, Sir H.	Walker, C. A.
Cartwright, W. R.	Beamish, F. B.
Cooper, G. J.	Clements, Lord
Cole, hon. A.	White, S.
Creswell, W. C.	Erle, W.
Conolly, Colonel	Roche, E. B.

Davenport, J.	Crawley, S.
Dottin, A. R.	Donkin, Sir R.
Drummond, H. H.	Harland, W. C.
Duncombe, hon. A.	Lister, E. C.
Dungannon, Lord	Power, J.
Egerton, Lord F.	Fazakerly, J. N.
Follett, Sir W.	Talbot, C. R. M.
Gore, W. O.	Norreys, Sir D.
Godson, R.	Talfourd, Serjeant
Grant, hon. Colonel	Greenaway, C.
Hayes, Sir E.	Martin, T.
Hinde, J. H.	Milton, Lord
Jackson, Serjeant	Stewart, W. V.
Jones, W.	Ferguson, Sir R.
Kelly, F.	Chalmers, P.
Kirk, P.	O'Brien, C.
Liddell, hon. H. T.	Dundas, hon. Sir R.
Litton, E.	Nagle, Sir R.
Master, T.	Stanley, W. M.
O'Neill, hon. General	Bryan, Major
Parker, T. W. A.	Chester, H.
Rolleston, Colonel	Heneage, H.
Sinclair, Sir G.	Rumbold, C. E.
Somerset, Lord G.	Crawford, W.
Stewart, J.	White, T.
Sugden, rt. hn. Sir E.	Spiers, A.
Thomas, Colonel	Blake, M. J.
Tollemache, hon. F.	Sharpe, General
Trevor, hon. G. R.	Colquhoun, Sir J.
Yorke, hon. E. T.	Childers, J. W.

Absent.

CONSERVATIVES.

Canning, rt. hon. Sir S.
Codrington, C. W.
Crewe, Sir G.
Ingham, R.
Ker, D.
Lefroy, rt. hn. T.
Sotheron, T. E.

MINISTERIALISTS.

Aglionby, Major
Bannerman, A.
Benett, J.
Brabason, Sir W.
Butler, hon. P.
De Winton, W.
Duncan, Lord
Fitzgibbon, hon. F.
Goring, H. D.
Greig, D.
Hollond, R.
Howard, Sir R.
Heathcote, Sir G.
Jervis, S.
Langton, G.
Leader, J. T.
Palmer, C. F.
Pryse, P.
Spencer, hon. Capt.

Vacant.

Ludlow
Totness
Fermanagh
Sutherland.

HOUSE OF LORDS,

Friday, April 10, 1840.

MINUTES.] Bill. Read a first time:—Exchequer Bills.

Petitions presented. By the Duke of Richmond, the Earl of Falmouth, and Lords Stafford, and Redesdale, from several places, against the Repeal of the Corn-laws.—By the Duke of Richmond, from one place, against the Workhouses Exemption Bill.—By the Earls of Camperdown, Rosebery, and Aberdeen, from a number of places, in favour of Non-Intrusion.—By the Archbishop of Canterbury, and the Bishop of Winchester, from several places, for Church Extension.—By the Archbishop of Canterbury, the Marquess of Salisbury, and the Bishop of Winchester, from several places, against the Clergy Reserves Bill.—By the Marquess of Westmeath, from Clones, against the Irish Municipal Bill.

INFLUENCE OF THE PRIESTHOOD (IRELAND).] The Marquess of *Westmeath* presented a petition from a place in the county of Monaghan against the Irish Municipal Reform Bill. To show the House what effect was produced by the temperance societies upon the persons in whose hands power was intended to be placed by this bill, he would read an extract from a speech delivered only a day or two ago by Mr. Maguire, a Roman Catholic priest, with reference to a bill which had lately been read a second time in another place, and to the noble Lord who had introduced the bill. It was remarkable that Mr. Maguire belonged to the diocese of the Roman Catholic prelate whose brother had, on account of that relationship, been selected by her Majesty's Government to fill a civil office. Mr. Maguire's speech was thus reported:—

"He came forward in defence of his country with his tongue and purse, and right arm, if necessary. He (Mr. Maguire) would beg leave to tell that high-born bilious sprig of the house of Derby (laughter), that he pledged himself to have 3,000,000 teetotallers before three months—that he would place himself at their head, and unfurl the flag of repeal, and not cease to agitate until they succeeded in putting Tories and Whigs out of office, and achieve the liberties of 8,000,000 people. There was one comfort, at all events, which would follow the attempt to pass the atrocious bill which they met to deprecate, namely, that it would rid them of the ignominy of having Stanley sent over to Ireland, should the Tories succeed in coming into power. The *Hibernico Americanus* monkey-faced Lyndhurst would never be Lord Chancellor in this country; and as for Stanley being sent among them, they might as well imagine that Castlereagh could escape from the fastness and difficulties which surrounded him, or that a certain black gentleman should go and demand the keys of the celestial region from the Prince of the Apostles, as that that noble Lord should be Secretary for Ireland. No; they would sign a round robin, and offer a reward of 100,000*l.* to any individual who would take and put him into a sack, and in that position hold him by the heels at Kingstown harbour, until he begged leave to return to his native country."

This was not mere hasty language, for in a letter which Mr. Maguire had written afterwards, he merely said in explanation,

"That his threat was conditional if Lord Stanley's bill was read a third time in the House of Commons," and added "I can by simultaneous meetings have 3,000,000 sober Repealers pledged in one day, and there are not six priests in Ireland who could not do the same."

He hoped that when the people of England saw that the Ministers were about to confiscate a revenue which belonged to the city of Dublin, and which might eventually be worth 100,000*l.* a-year, not for any municipal purpose, but in order to provide agitators with pocket-money, they would never sanction such a design. He asked the noble Viscount at the head of the Government to lay on the table evidence respecting the condition of the corporation of the city of Dublin. The most trifling interests in this country would not be interfered with in the absence of evidence. Why had not the Ministers dealt with the city of London as they proposed to do now with the city of Dublin? Why had they not confiscated the property of the city of London? He would tell her Majesty's Ministers the reason—because they dared not. The city of London had four representatives in the House of Commons, who, whatever their political opinions might be, knew their duty too well to suffer any such attempt to be made.

Petition laid on the table.

CANADA CLERGY RESERVES]. Lord *Ellenborough* begged to ask the noble Viscount at the head of the Government for an answer to the questions put by him (Lord Ellenborough) last night.

Viscount *Melbourne* said, he had inquired into the nature of the pledge which had been given in another place, and was ready to make the same pledge to their Lordships. Unquestionably it was not intended to advise her Majesty to give her assent to the bill which had been passed by the Legislature of Upper Canada until such a period should have elapsed in addition to the 30 days as should be equal to the period occupied by the vacation. If, besides this, any longer time were required to enable the judges to give their opinion upon the questions submitted to them, he should have no hesitation in undertaking that the assent should not be given till this time also had elapsed.

Lord *Ellenborough* said, that the promise just given by the noble Viscount was not precisely that for which he had asked. He wished the noble Viscount would give the House a pledge that he would in no case advise the Crown to assent to the bill, if the House should express its opposition to the measure by an address to the Crown, within such a period as might necessarily elapse before the sense of the House could be taken upon the subject.

Viscount *Melbourne* did not think he could, consistently with his duty, give any further pledge than he had already given, as he did not know under what circumstances the address might be presented, or by what arguments it might be supported, but he thought the noble Lord might safely rely on the effect which such an address must produce.

Lord *Ellenborough* said, that as far as he was concerned, he should be quite satisfied with what had fallen from the noble Viscount, because he felt convinced that the answer of the judges to the first of the questions submitted to them would be that the bill was invalid. If such were their opinion, the motion of the most rev. Prelate would become unnecessary, and he felt anxious that no unnecessary discussion of the question should take place, because nothing would be so likely to prevent a specific settlement of the question as a course which would commit right rev. Prelates and their Lordships to extreme opinions, which it would be impossible to carry into effect. If he might address a prayer to the most rev. Prelate on the part of the people of Canada, he would entreat the most rev. Prelate to declare to the House that he would not press on the motion of which he had given notice.

The Archbishop of *Canterbury* should have been most happy to postpone his motion and to avoid the discussion to which it would give rise, if he received an assurance from the noble Viscount that after the thirty days had elapsed, the noble Viscount would consider the address of the House as having the same power which it would have if presented within the thirty days. He really did not see why the noble Viscount should feel any hesitation at acceding to this arrangement. He was quite as desirous as any of their Lordships could be to prevent any unnecessary discussion from taking place upon a matter of so much delicacy, and in which the passions and feelings of the inhabitants of Canada were so much engaged; and he felt the more surprised at the refusal of the noble Viscount, as he had not been without a hope that some amicable arrangement might have been made which would secure a provision for the Established Church in the colony, and effect such a regulation of the clergy reserves as might prevent any further dissension from taking place upon the subject. There was no desire on the part of the Church to push the claims of the Church to their full extent. The Church wished, for the sake of peace, to make any reasonable concession with regard to property, provided always that the Church was recognized as the Established Church of the colony. This was a point on which the Church had never deceived the House, and if he abandoned this just right of the Church, he should be justly reproached with a dereliction of his most sacred duties. With regard to the property of the Church, he desired that it should be so secured as not to be subject to fluctuate with the various sentiments of successive governors and the temporary ascendancies of political parties. The tenure upon which the Church property was held ought to protect it from the conflicting claims of other religious communities. If this point were satisfactorily settled, he should be ready to consent to place a considerable portion of the clergy reserves at the disposal of her Majesty's Government, but he felt assured that no such settlement could ever be made by the Legislature of the colony. In looking through the various plans and propositions which had been made and rejected or adopted in the Colonial Assembly, he discovered one point of concurrence in them all, and that was the consciousness which they exhibited on the part of the colonial Legislature of its own inability to settle the question, and of the expediency of referring the final decision to the Imperial Parliament. He knew he should be told that their Lordships had now before them a bill passed by the colonial Legislature which professed to settle the question. It was very true that such a bill had passed, but it by no means followed that it expressed the sentiments of the colonial Legislature, for the measure had been adopted at the express suggestion, not to say the dictation, of the Governor-general. It appeared that it was entirely owing to the Governor-general that this bill had passed. He was far from thinking worse of it on that account, but the circumstance fully justified him in maintaining that the bill did not speak the plain and unbiassed sense of the colonial Legislature. Their Lordships were not in the same situation with respect to this bill as they would be in if the measure had originated in this country, for they were under the necessity of rejecting it altogether, or of adopting it with all its defects. He might be allowed also to observe, that this bill involved a general question of the greatest importance to the interests of religion in all parts of the empire, and which could only be satisfactorily settled by the Imperial Parliament. His object, however, was not to arraign the bill now before their Lordships, but to state the disposition which existed on the part of the Church not to press the rights of the Church to the full extent authorized by the existing law, so far as those rights related to property only. But let not the Church be degraded from the position which it held as the Established Church in different parts of the empire, let it be at liberty to preserve its legitimate rights in peace, apart from political feeling and without molestation from the claims of other religious communities, making at the same time such concessions with respect to property as ought to be generally satisfactory. If he had received an assurance that the same force would have been given to an address of the House presented after the thirty days had expired, as would belong to it if presented at that moment, he meant to have submitted to the consideration of her Majesty's Government a proposition founded upon the principles which he had just stated, and if the proposition met the approval of the Government, it would have rendered his motion unnecessary; on the other hand, if the proposition were rejected, and their Lordships should have been of opinion, nevertheless, that it was a proper and reasonable one, he should with greater confidence have moved the address to the Crown. He thought that the bill now before the House was in its present state most unsatisfactory, and he was certainly disappointed at not receiving the distinct assurance which he had expected from the noble Viscount; however, if the general opinion of their Lordships was that he ought to be satisfied with the declaration which the noble Viscount had made, he should not press his motion. [" *No, no.*"] Then he had no alternative but to proceed according to the notice which he had given.

The Duke of *Wellington* begged the House to recollect that its present position, there being only twenty-one clear days for this bill to lie on the table instead of thirty, was owing to the noble Viscount himself and his colleagues. If the rev. Prelate were to put off his motion, the House would not stand in precisely the same position as if it were brought on on Monday. However, as the most rev. Prelate was disposed to put off his motion, he hoped, after what had been stated, that the most rev. Prelate would do so. He should be the last person to endeavour to prevail on their Lordships not to agree to that postponement, as far as the House could safely; but he wished to see something of the kind proposed by the right rev. Prelate, who should take the case as much as possible into his own hands, both with regard to the great interest the Church must feel in this question, as well as the interest which the public had in seeing religion and good government established in this country. But he begged again to submit to the noble Viscount that there was a claim on his generosity, if not on his good faith, as the noble Viscount was aware that the House, in consequence of the holydays had only twenty-one days to decide that, for which it ought by law to have had thirty days. The noble Viscount should consider that circumstance, and allow the House full time for the consideration of the bill.

Viscount *Melbourne* had no objection to do all in his power to meet the wishes of their Lordships; but only let their Lordships consider what he was asked to do. He was asked to give a legal effect to the address, which it really would not have. After the thirty days had expired, the address on this subject would be no more than an address on any other subject, and was it then for him to say, that if the House agreed to an address, he would advise the Crown to accede to it? He would say, that such a thing had never been done since the time of the long Parliament: such a proceeding would be very much like the proceedings of that period. When the noble Duke said, it was owing to him that the House had not had sufficient time to consider this subject, he was not aware of what he meant; for the act as soon as it had arrived from Canada was laid on the table; and he did not see, that the Government could have pursued any other course.

The Duke of *Wellington* said, that what he meant was this—that the noble Viscount might have laid this bill on the table thirty days before the commencement of the Easter holydays, or he might have delayed it until the first day after the recess.

The Earl of *Winchilsea* considered this one of the most important subjects that had ever been brought forward in this House, and one on which more public interest existed in this country than any other that ever came under their Lordships consideration. He thought there was not much inducement to trust to what might be the effect of an address after the legal time had expired, considering what had been the result of former addresses under similar circumstances. He did not know whether it were or were not according to the form of the House that the noble Viscount should withdraw this bill altogether, but if it could be done, the House would at once be relieved from its difficulty. He at the same time contended that the most rev. Prelate ought not to proceed with his motion on Monday.

The Earl of *Ripon* was aware of the difficulty in which the House were placed by this bill, but he thought it had been overrated by his noble Friend who had just sat down, by not considering the position in which they stood if the opinion given by the law officers of the Crown were correct, and that opinion was confirmed by the judges. The noble Viscount had stated that the opinion of the Law Officers of the Crown was, that it was not competent for the Legislature of Upper Canada to pass the bill now on the table. If that opinion were correct, the Crown could not give its assent to the bill, and it could not become law by any process short of an Act of Parliament. If, then, the House were inclined to address the Crown on the subject, the Government could not practically give their advice to the Crown to assent to it. The noble Viscount said, that notice had been given in the other House, on the assumption that this act was not law, to bring in a bill for the purpose of making it law by an Act of Parliament. Their Lordships would, therefore, have three opportunities of considering this subject—first, on the second reading of that bill; secondly, on going into Committee upon it; and thirdly, on the report being brought up. Under the circumstances, he did not think the noble Viscount could give a more specific answer.

The Archbishop of *Canterbury* said, that the noble Viscount would perhaps allow him to ask whether he meant to act upon the opinion which had been given by the Law Officers of the Crown? There could be nothing unconstitutional, or that could remind the noble Viscount of the proceedings of the Long Parliament, in giving an answer to that question; nor anything unprecedented in his acting on that opinion, because, in respect to this case, there was an opinion given by the Law Officers of the Crown in 1819, which had been acted upon as law, and assumed to be law, by the different Colonial Secretaries of State ever since.

Viscount *Melbourne* said, it certainly was his intention to act on that opinion, and indeed the Government had already acted on it.

The Archbishop of *Canterbury* wished to know whether the consideration of the bill now before the other House would involve the whole merits of the question. He felt himself bound not to withdraw the motion at this time, as it was in no way connected with party of any kind. It was a motion too, which, considering the infirmities of age which he now suffered, he never should have been induced to bring forward, but from the sacred obligation of duty. He conceived that by this bill a portion of the united church would be so far deprived of the means of subsistence as almost to amount to extinction; and how could he answer to his conscience, if he were not to request the attention of their Lordships to a measure of so much importance, and which tended to deprive many of her Majesty's subjects of spiritual consolation?

Viscount *Melbourne* said, the question which had been asked by the most rev. Prelate was one of Parliamentary proceeding, and which, he apprehended, there could be no difficulty in answering. It was perfectly clear that the bill in the other House must involve the merits of the whole question.

The Bishop of *Exeter* wished to know, whether their Lordships were to understand, that if the bill which was brought in in another place, to supply the defect of the bill now on their Lordships' table, were not to pass, the noble Viscount would feel it his duty not to advise the Crown to withhold the Royal assent from the bill now on the table? He must say, that if that bill should receive the Royal assent in spite of that defect, though that defect might apply to only a part of the bill, it would leave the rest of the bill untouched and operative.

The Earl of *Ripon* said, the apprehension of the right rev. Prelate was quite groundless, for it was not competent to the Crown to give its assent to a bill which it was not competent for the Colonial Assembly to pass, and still less so to a part of it.

The Bishop of *Exeter* apprehended, that there was nothing to prevent the Crown from giving its assent to the bill now on the table, because, according to the opinion of the law officers of the Crown, a part of it exceeded the power of the Colonial Legislature. If that were so, why should the noble Viscount hesitate to say, if the defect were not amended, whether he should advise the Crown to give the Royal assent to the bill?

The Bishop of *London* said, it appeared that the opinion of the law officers of the Crown had been taken as to the legality of a certain part of the act now lying on the table; and that they considered the Colonial Legislature had exceeded its powers with regard to that part, and therefore that her Majesty could not give her assent so as to make that part of the bill law. That, in fact, vitiated the whole act; and, as it now stood, her Majesty, under the advice of her Ministers, could not give her assent so as to make it law. If, under these circumstances, the Church, by her representatives, came forward and said, "Let us put this act aside, and negociate on fair and liberal terms;" if she was willing to forego her rights, and concede a very liberal portion of her liberty, that ought to induce the Government to say, that this was no bill, and that they must begin *de novo*, and legislate the same as they would in any other case. Why could they not legislate on a great scale, and settle the question at once?

Lord *Ellenborough* said, after what had taken place, the most rev. Prelate would have no difficulty in withdrawing his motion for Monday; because there was no doubt that this act was invalid, and that it was perfectly impossible her Majesty could give the royal assent so as to make any part of it law. He was most desirous that, in endeavouring to settle this question so as to satisfy the people of Canada, they should do nothing that would excite the feelings of the people of this country. The most inconvenient course, as he thought, that her Majesty's Government could possibly pursue was that which they now proposed to adopt; namely, the introduction of a bill. It would be in the recollection of their Lordships, that a bill was before the other House for effecting an union between the two provinces of Upper and Lower Canada. To that bill it would now be useless to offer any objection. The state of things which had led to its introduction were now so far advanced, that he feared such a measure had become necessary. Now, it was well known that in the Acts of Union with Scotland and Ireland, provisions were contained relating to religion; he, therefore, thought it would be most convenient that any provisions of a similar kind which might be necessary with regard to Canada should be incorporated in the act of union. He entertained no doubt that such an arrangement would be satisfactory to all reasonable members of the Church of England, and would be more satisfactory than any other to the inhabitants of both the Canadas. He hoped, then, that her Majesty's Ministers would reconsider their plan, and give to the suggestion of the most rev. Prelate the attention to which it was deservedly entitled. He further hoped that the provisions of the act of union would be well and carefully considered, for he fully believed that upon it depended the peace of Canada and the connexion of that colony with Great Britain.

The Earl of *Falmouth* should be perfectly satisfied with the assurance of the noble Viscount opposite, provided that he felt certain that his understanding of it were correct. He wished to know, whether or not the noble Viscount was to be understood as stating that he proposed to give a pledge that he should place the House after the holydays in the same situation, with respect to the Clergy Reserves Sale Bill, as if the thirty days had not expired during the recess.—[Viscount *Melbourne* was understood to say, Certainly not.]—Then if that was not the understanding, he feared that before the end of that period, some circumstances might arise, which would probably place their Lordships in a very awkward position with reference to this bill.

The Archbishop of *Canterbury* thought, it would be very satisfactory if the noble Lord on the Woolsack would state his view, as to whether the Crown could assent to a bill, in the enactment of which the Colonial Legislature had gone beyond the limits of that power, which they might be considered legally and properly to possess.

The *Lord Chancellor* said, there could be no doubt that if they had in any particular exceeded their authority, the consent of the Crown could not be given to the bill.

The Bishop of *Exeter* observed, that if the judges, in reply to questions put to them, declared that the Colonial Legislature had gone beyond their powers, then was he to understand that neither to the whole, nor to any part, could the assent of the Crown be granted?

The *Lord Chancellor*, that the royal assent could neither be given to the whole, nor any part of the bill, if the judges gave it as their opinion, that the Legislature had exceeded their authority.

The Bishop of *London* said, it now being understood, that if the judges decided against the authority of the Colonial Legislature, the bill could not receive the royal assent, in withdrawing the motion, then, its supporters evidently receded from a certain ground of safety, giving thereby the best possible pledge of the amicable disposition by which they were actuated.

The Marquess of *Lansdowne* observed, that the most rev. and right rev. Prelates in thus consenting to withdraw the motion, best consulted the interests of the Established Church. With respect to the main question, of course the Government would be considered as leaving it open to future consideration.

The motion of the Archbishop of Canterbury it was understood, was not to be brought forward.

War with China.] The Earl of *Aberdeen* said, that a rumour was now prevalent, respecting the accuracy of which he wished to put a question to the noble Viscount. It was said, that letters of marque and reprisal had issued against China. He wished to know if that report were well founded, and, if so, whether it was intended to bring down any message from the Crown to Parliament on the subject?

Viscount *Melbourne* replied, that the rumour to which the noble Earl referred was not well founded. Her Majesty's Government intended to demand reparation for the injury done to the property of British subjects. If that reparation were not obtained, then it was intended to proceed against the trade of the Chinese. For that purpose, it would be necessary to institute courts to authorize the sale of such vessels and cargoes as might be seized. If reparation were made, of course no letters of marque would issue.

The Earl of *Aberdeen* rose to remind the noble Viscount, that he had omitted to state whether or not there was to be a message from the Crown.

Viscount *Melbourne* said, there would not be any message.

Lord *Colchester* (as we understood) stated, that he had been informed of the departure of a large steamer from Portsmouth having letters of marque on board.

Viscount *Melbourne* replied, that she belonged to the East India Company, and was going out to India.

Subject dropped.

BILL TO AUTHORISE PUBLICATION.] The Earl of *Shaftesbury* brought up the report on the Printed Papers' Bill.

Lord *Denman* said, that this bill had been brought up from the House of Commons to remedy a very pressing inconvenience, namely, the unreasonable multiplication of actions of a frivolous nature. He confessed that he could not add any thing to the very able argument which had yesterday been delivered at the bar of their Lordships' House. All that he now wished to do was, to submit to the consideration of the House some amendments calculated, as he believed, more fully and completely to effect the objects which the promoters of the measure had in view. To the early part of the clause for putting a stop to the actions now pending, he did not mean to object. This subject being under discussion, it was quite a matter of course that the House of Commons should consider the most convenient course, to prevent the consequences of actions which might be brought in future, and, therefore they declared, that it was "essential to the due and effectual exercise and discharge of the functions and duties of Parliament, and to the promotion of wise legislation, that no obstructions or impediments should exist to the publication of such of the reports, papers, votes, or proceedings of either House of Parliament, as such House of Parliament may deem fit or necessary to be published; and, whereas, obstructions or impediments to such publication have arisen and hereafter may arise, by means of civil or criminal proceedings being taken against persons employed by, or acting under, the authority of the Houses of Parliament, by reason and for remedy whereof, it is expedient that more speedy protection should be afforded to all persons acting under the authority aforesaid, and that all such proceedings, civil or criminal, should summarily be put an end to in the manner mentioned." The bill still left it doubtful whether the law, as declared by the Court of Queen's Bench, was, in the judgment of the House of Commons, correct; and, therefore, it was necessary to supply a new law to remedy the defect that existed. The learned counsel who addressed their Lordships' at the bar on the previous night, took a contrary view of the decision of the Court of Queen's Bench, from that which was expressed by his noble and learned Friend on the woolsack, when he introduced the bill to the attention of their Lordships, for his noble and learned Friend went upon the assumption that the decision was correct. If he were disposed to go into that matter, he should think that the argument of the learned counsel at the bar, was more in accordance with the nature of the bill itself, than what took place when the bill was introduced. He thought it unworthy of their Lordships and of himself, to go into an inquiry concerning the motives in which the bill originated. The question was this, was there a case for an act of Parliament at all, and if there was, did this act contain a reasonable and proper remedy for the inconvenience complained of? A great ferment had arisen upon this subject, and considerable embarrassment was felt, which was likely to last for some time, and his only object was to put a stop to that state of things. But when he came to look at the means by which that object was sought to be carried into effect, he must own that he saw much to complain of in every point of view, for it certainly did introduce a mode of paralyzing the proceedings of a court of justice through the medium of a communication between other parties, to which, he believed their Lordships would agree with him, they ought not to be exposed. If the courts had done anything wrong, and if their Lordships were sitting as a legislative body to pronounce on the validity of a judgment of the Court of Queen's Bench, and to declare their opinion that the decision of that court was wrong and should therefore be set aside, there would be some ground for introducing these clauses. But he could not think that their Lordships would feel themselves authorized to take that view of the matter; and he, for one, was not at all disposed to submit to the proposition that the Court of Queen's Bench should be reduced to an absolute nullity by a communication between the officers of the House of Commons and the court. It appeared to him, that instead of that being the course, the only proper proceeding would be, that the court itself should be informed of that which had been done by the Houses of Parliament, and that the court should receive credit for doing its duty and enforcing the law, and instantly seeing that, since this law for giving publicity to proceedings of such a nature was passed, that the publications were properly made under the authority and power of the act. He should, therefore, take the liberty to propose that instead of a certificate in every particular case on the part of the Speaker, or of the Parliament, to certify that something was done and published by his or their authority, the publications themselves should bear on the face of them the authority by which they were issued, just as an Act of Parliament printed by the King's printer appears authorized on the face of it; so that it would be known as the publication of the authorized printer of the House of Commons, being signed by the Speaker, or any other authority properly appointed. He apprehended that would be the proper mode to relieve the case of a great deal of the difficulty which at present encumbered it. Then, again, it was required that the particular thing complained of should be certified as published by the authority of the House of Commons. But that might be a garbled abstract, for there was a great difference between a part and the whole, and a part might be set out and published for malicious purposes. That required correction. Supposing that the plan were adopted of having a affidavit to confirm the authority of the publication what protection was there against forgery? The court would have no means of judging of the authenticity, and the party sued for a libel might put in an affidavit that the certificate of the authority for the publication was the certificate of the proper officer, while on the other hand, the other party might produce a counter-affidavit. The court would then be called upon to determine, on the one side or the other, which party was right. But, according to the bill as it now stood, on the mere production of the certificate and an affidavit verifying the certificate, the court was to put an end to all further proceedings. Again, there was no provision made on behalf of the plaintiff in any action; so that the case might proceed upon a process which had become illegal by some proceeding of an inferior officer here, and an inferior officer there, of which the court might be kept in ignorance. It was true that by the second clause the plaintiff was to have forty-eight hours' notice of the delivery of the certificate; but if that were not done, no penalty or consequence would follow, and the defendant might go on without giving notice to the suffering plaintiff. The question of the service of the notice might be raised, and each party put in conflicting evidence: and who was to decide but the court itself? It was clear that the bill itself would be of little or no avail unless the courts of law were to see it, if passed into an act, properly carried into effect. Indeed he could hardly think that the House of Commons contemplated having an Act of Parliament, and yet would oust the courts of law from carrying it into effect. He thought it would be better for the House of Commons to keep the matter of privilege in their own hands, and to say, "We do not want an Act of Parliament at all; we will send for individuals whenever we think they have violated our privileges, and deal with them ourselves." If the courts of justice were not to be trusted because they might be suspected of prejudice, it would be better for the Commons to keep to that course. But there were modes of evading this measure. An action brought for libel was declared to be null and void by the bill; but suppose it went on—suppose the party proceeded with his action, notwithstanding anything which had taken place in his absence—would it be superseded? The meaning was, that the action should be considered as good for nothing. But who was to consider of that? Who was to form a judgment upon that? The courts of justice, undoubtedly. Therefore, if they had a law, they must give power to the courts to enforce it. It appeared to him also, that when any authenticated report was published, and a copy was made, the copy should be entitled to the same protection as the original. In fact, original reports were seldom read by the public until they were copied into the newspapers, and it was chiefly by the circulation of the newspapers that they obtained publicity. It struck him, therefore, that their Lordships would be really giving effect to the bill by saying that copies of authenticated reports published in newspapers should be protected equally with the original reports. It often happened that the whole report in its original form was extremely uninteresting to the public, and therefore it was found desirable to extract the most interesting passages; and if that were done, his suggestion was, that it should be a matter on which no summary proceeding should take place, because it would be one for grave inquiry. If it could be shown that the extracts had been made for the purpose of injuring an individual, the sufferer ought to be protected and redressed. But he should propose that when the jury should find in such cases that the extracts were made and published without malice, the verdict should be for the defendant. In the case of authenticated reports and copies of authenticated reports, he proposed that the party bringing his action should not recover costs, because he ought to know that such an act had been passed.

The *Lord Chancellor* apprehended that this was a subject, above all others, upon which their Lordships would be most anxious to agree with the other House of Parliament, at least without any material alteration. Of course they would not give their assent to anything that was not worthy of it. But the object of this bill was to put an end to the unfortunate contest between the other House and the Court of Queen's Bench, and therefore, it was a bill upon which they should be disposed to look favourably, and in which they should make no alterations but such as were unavoidable; because, after what had happened, any important alterations might be received as being of doubtful interpretation. The amendments of his noble and learned Friend would, if adopted, lead to consequences which he would regret. He would call their Lordships' attention to one part of the alterations proposed in the first section of the bill. They were aware that this contest had arisen from an action brought by an individual named Stockdale, upon which he recovered 100*l.* damages, after a defence; he then brought a second action upon the same alleged libel, which action was not defended, and he recovered 600*l.* damages; he then brought a third action on the same publication, which was the action now pending. The third action was that with which the bill professed to deal. That action was brought after repeated warnings from the House of Commons that they considered, if he proceeded to bring that action, he would act in violation of their privileges. Their Lordships were aware that two persons besides Stockdale—namely, his attorney and the clerk to his attorney, were now in custody for acting contrary to the expressed orders of the House of Commons. The object of this bill was to stay such actions in future, and to prevent such contests being carried on. That being so, it was scarcely possible that the House of Commons would consent to the amendments of his noble and learned Friend. The House of Commons was jealous above all things of any interference with its privileges. But the effect of the amendment of his noble and learned Friend would be, that the officer of the House of Commons, acting under the obedience and orders of the House, could not be relieved from an action brought against him without applying to a court of law, which was exactly what the House of Commons most deprecated. His noble and learned Friend proposed that costs in such actions should be disposed of upon such terms as the court should think just and reasonable. But look at the present case. What hardship had Mr. Stockdale suffered? He had thought proper, after recovering 700*l.*, to bring a third action. Was he a party who ought to have costs? Parties had been permitted to receive costs because they had taken advantage of the law as it stood. The act relating to horse-racing, which their Lordships had recently passed, was an illustration of that point. But in this case the party had commenced proceedings in violation of the orders of the House, to which orders it was the object of the bill to give effect. It would astonish those acquainted with the practice of courts of equity to hear the rule laid down, that where a party had acted in defiance of an injunction, he should have any claim for costs. To be sure his noble and learned Friend would say that the House of Commons had no right to issue an injunction. But that was the very question, and their Lordships were called on to put an end to that question, and to prevent the inconveniences arising out of the dispute upon it. So far from a party in such a case as he had mentioned being entitled to costs, he would be sent to the Fleet, and never suffered to depart until he had paid the costs himself. He trusted that their Lordships would see, that the amendments would defeat the object of the bill, and, if passed, compel the House of Commons to resort to means for the vindication of their privileges, and therefore, he hoped that they would not allow the bill to be altered.

Lord *Wynford* considered that his noble and learned Friend on the Woolsack was mistaken in the views which he entertained upon the effect of this bill as to costs. He should have liked the bill better if it had given costs to the plaintiffs. When actions were brought against the clergy for non-residence, they had been all stopped, but upon payment of costs to the plaintiffs. In the bill also relating to joint-stock banks he had himself introduced a clause, which their Lordships had agreed to, providing that costs should be paid to the plaintiffs as between attorney and client. He should therefore, have liked the bill better if it had contained a provision to that effect. He must say that he entirely disagreed from what his noble and learned Friend said about the propriety of bringing actions. In the great case of "Ashby *v.* White," that House came to a solemn determination and that determination had never been reversed, and therefore it was still the law of Parliament, that no man was guilty of a contempt of either House of Parliament for any action brought for an injury received by him from any act done by any officer of the House. He could not help thinking that no party could be committed for contempt by bringing an action against an officer of the House of Commons. Again, in the great case of "Burdett *v.* Abbott," the House of Commons, who were then very sensitive about their privileges, as they had been ever since, vindicated their privileges in a manly and constitutional way, and never thought of committing Sir F. Burdett for a contempt in bringing an action against the Speaker. The House of Commons had no privilege which was not recognized by the law of the land, as declared by some court of justice. The court must inquire whether the privilege was a reasonable one, and that was a duty which the judges owed to the country, which considered them the greatest patriots for performing it as it had been performed by his noble and learned Friend opposite, and his learned brethren of the Court of Queen's Bench.

Lord *Abinger* had originally thought, that it would be the safest course for him, situated as he was, to abstain from saying anything upon the merits of the general question of privilege, so long as there was a possibility of the question being brought before a court of error, of which he was a member, and he still adhered to that opinion. With respect to this bill, it was a bill of peace, and he thought it would be wise for his noble and learned Friend to accept it. He should confine himself now to the mere question of the amendment. He had been unable to study his noble and learned Friend's amendment, but it struck him that his noble and learned Friend on the Woolsack was right in opposing the proposition that such costs should be given as a judge should deem just and reasonable, and he owned he thought that it was not desirable that the House of Commons should be exposed to the humiliation of going before a judge or officer of the court in order to get the proceedings stayed on terms discretionary with the judge to impose as to costs. He thought it better that some clause should be introduced by which the action should be stayed altogether. If the bill were drawn so as to make the action now pending a nullity, there would be no reason for the introduction of a provision for staying the action, and allowing a judge to award costs at his discretion. Then if it applied to any action prospectively, it would be a humiliation to the House of Commons to be called upon to receive the opinion of any officer or judge as to costs. Then as to the mode of proceeding. The most useful method would be to adopt the machinery which his noble and learned Friend had suggested. He would have proposed a single clause, which would be to this effect:—In all actions or prosecutions for any libel when it was made to appear that the publication complained of had been made by order of either House of Parliament, the defendant should be at liberty to stay the whole proceedings, and the certificate of the Speaker should be evidence of the fact. It would then be imperative on the court to stay the proceedings.

Lord *Denman* thought, that it would be perceived that his difficulty was occasioned by mixing up the plaintiffs in the pending action and in other actions. He thought, that Mr. Stockdale should under no circumstances whatever receive costs, but he was not sure that actions might not have been brought by other parties. He would not, however, admit the principle contended for by his noble and learned Friend on the Woolsack, that Mr. Stockdale was bound not to proceed after he had received notice from the House of Commons. He would not permit it to be supposed that any one of the Queen's subjects was to be restrained by an order from the House of Commons, or from the House of Lords, not to proceed with an action brought to enforce a right acknowledged by the law. He did not acquiesce in any such proposition, which rather controverted the notion which seemed to prevail the other day, that the bill assumed the judgment of the Court of Queen's Bench to be correct. With regard to Stockdale's costs, if they could be separated from the costs of other parties, he should have no objection to this course.

The *Lord Chancellor* remarked that, there was no chance of there being any other actions than that of Stockdale. The defendant therefore, ought to be allowed in the bill to stay the proceedings against him on the production of the Speaker's certificate. What the bill now proposed was, that the defendant — namely, the officer of the House—should bring the certificate of the Speaker, that the paper containing the alleged libel was a paper printed by order of the House, and upon that the action was to be stayed. As to what his noble and learned Friend, the Lord Chief Justice had said about the judgment of the Court of Queen's Bench, there could be nothing in the bill which affected that judgment, and, therefore, he did not think it was necessary to take the bill back to the House of Commons for the purpose of making the proposed amendment.

Lord *Langdale* said, that in the consideration of the question now before the House, it was necessary to bear constantly in mind what the object of the bill was, and what were the means by which that object could be effected. The object was to put an end to those proceedings, which by lessening public confidence in the courts of justice, had so justly created alarm throughout the country. No one could regret more than he did the proceedings which had taken place, and he must take the liberty of saying that some of the doctrines which had been propounded and maintained during the controversy by persons entitled to great consideration, appears to him to be extremely dangerous, and to be inconsistent with the principles and practice of a free and lawful constitution of government. He quite agreed with his noble and learned Friend, the Lord Chief Baron, that this was not a proper time to give an opinion upon the general question which had been agitated, but he must be allowed to state, that under all the circumstances which had occurred, considering that the decision of the Court of Queen's Bench was pronounced upon deliberation after a long and very learned and able argument, that all the judges had been unanimous, and that a writ of error might have been, but was not, brought by those who conceived themselves to be aggrieved—it did appear to him that there was at least a strong presumption that the judgement was right; and it was to him a principal inducement to vote for the bill, that it proceeded on an assumption that the judgement might be right. In that respect he entirely concurred with the noble Duke. In looking to the means by which the object in view might be attained, he conceived that it was necessary that the bill should be founded on a just principle—that its provisions should be sufficient to secure the object intended to be obtained, and that it should be acceptable to the House of Commons, but he did not consider it to be necessary that such a bill should be a perfect measure, or should provide for all the contingencies which ought to be contemplated on the occasion of making such a law. The circumstances were such at this particular time, that for the sake of attaining the immediate object, and of showing a considerate and conciliating spirit towards the House of Commons, it appeared to him that it was expedient to consent to a law less perfect than might be contrived; and to trust that hereafter, when the present excitement had passed away, and mens' minds were more free from passion, the House of Commons would concur with the House of Lords in the preparation of a better law. He confessed that there were many things in the bill of which he could not approve, and there were some important omissions; but as the bill appeared to him to be founded on a justifiable principle—as the enactments seemed sufficient to answer the immediate purpose intended—and as the Commons had passed it, he was induced to give his support to it. He should even wish to pass it as it was, adding only a common clause providing for its being repealed or altered during the present Session, and he thought that after it had passed, another bill should be introduced for the purpose of making the law upon the subject as clear and perfect as might be.

Lord *Denman* said, that if personal grounds alone were concerned, he would offer no objection to the clause which went to stop the actions already brought. But, as the bill now stood, he must offer to it his most strenuous opposition. He thought, that to stop the action which had been brought by Mr. Howard, not for a publication by order of the House, but for an excess of authority in the officers of the sergeant-at-arms, for remaining in the house beyond the time which they had a right to stay, and conducting themselves, in other respects, in an objectionable way, would be a proceeding of the most gross injustice, and the worst example. Considering it to be his duty to use every means in his power to prevent the first clause from passing in its present shape, the noble and learned Lord read a clause, which he proposed to insert in the beginning of the bill, to the effect that "all actions against printers and publishers for libels contained in publications printed by order of the House of Commons shall be, and the same are, hereby stayed."

The Earl of *Winchilsea* felt deeply indebted to the noble and learned Lord for the stand he had made for vindicating the character of the Court of Queen's Bench, He cordially supported the amendments proposed by the noble Lord, and his only wish was, that they had gone further.

The *Lord Chancellor* thought it would meet the object the noble and learned Lord had in view, if the first clause, as to the printing, was left as it now stood, and the provision proposed by the noble Lord should be inserted in the second clause. He alluded to the producing to the court the certificate of the Speaker of either House of Parliament, that the paper had been printed under his authority. That would relieve all objections, and preserve the machinery of the first clause.

Lord *Denman* agreed, and withdrew his amendment.

Lord *Wynford* proposed an amendment to prevent the sale of papers by the House of Commons.

Lord *Ellenborough* said, that the bill had been sent up from the House of Commons to put an end to the differences, which every one regretted, as to the existence of the privileges of the House; and the amendment of his noble and learned Friend, confining the benefits to those parties who did not sell, would in effect be to confine those benefits to the House of Lords alone, unless on this condition, that the House of Commons would rescind one of its resolutions. For himself, he had doubts about the propriety of a sale of the Parliamentary papers; but if he were asked to give his reason for those doubts, he confessed that he would scarcely be able to furnish any; certain, however, it was, that if he were one of the public, he would feel satisfied with the sale; and it was more convenient for the public that they should be able to purchase a paper for a small price rather than have to ask the favour of a copy from some Member of Parliament, for some persons might not know a member, and others might not like to be under any obligation. Besides, the evil was in the publication, not in the sale; and he was somewhat surprised at the course taken by his noble and learned Friend to limit the benefits to papers not sold, if he wished to restrict the publication; for the effect of the sale had been to lessen the number of papers that were actually put into circulation. When, however, they were about to give themselves this privilege of publication that did not already exist, they ought to take measures to prevent any abuse of their privilege. This they might do without consulting and without interfering with the House of Commons. What had they done with respect to the regulations of their private committees? They had been told that abuses existed in the committees of private bills, not so much in that House as in the House of Commons. What did they do? They appointed a committee, and they adopted regulations that entirely prevented any abuses in their own House. The House of Commons saw this, and the House of Commons followed their example. Let them act now in the same manner with respect to this measure; let them adopt restrictions that were right, and they would be followed, without any dictation on their part, by the House of Commons. He would pass this measure as nearly as possible in the state in which it was sent up by the House of Commons; but yet let them, when they gave themselves all the protection of this bill, prevent to the utmost of their power all abuses; and, especially, they ought not to do that which was offensive to the House of Commons, and which would be the more offensive because it would relate to a money vote, asking them to rescind one of their resolutions. He trusted, then, that their Lordships would not acquiesce in the amendment of his noble and learned Friend; for if so, it would be better to reject the bill altogether, and to leave untouched the collision between the House of Commons and the Courts of Law, than to add to it a collision between that House and the House of Commons.

The Duke of *Wellington* wished their Lordships would judge for themselves, and adopt either the recommendation which he would propose, or the proposition which had first been made by the noble Lord. He thought that if their Lordships followed the advice of the noble Lord, they would commit a great error. What he would propose was, that they should give protection as well to the House of Commons as to that House, and place them on precisely the same grounds, by giving indemnity to all persons printing and publishing any thing ordered by either House. But in this bill there was something else that was proposed, and which the noble Lord had passed by. It had been proposed, that protection should be given not only to papers printed by order of either of the Houses of Parliament, but to papers that, having been so printed, were sold; and that was the very point which was the origin of all the mischief. In 1835, a new practice had been introduced into the House of Commons (for he called it a new practice, although anciently it might have existed,) and it was this new practice of sale that had been the cause of the mischief. It was avowed, in a report of the House of Commons, that no measures had been taken to prevent the sale, and that no measures could be taken to prevent the inconvenience. A grave case had been stated lately: it was but two days ago that complaint had been made of the publication of a petition reflecting on a magistrate of the county of Herts; and if papers were to be sold, who could prevent such complaints, however desirable such a prevention might be. When such inconveniences as these were brought before them, they should do all that they could to apply a remedy. It was their duty to make the bill as perfect as possible, and he thought they should not permit the other House of Parliament to have authority to make sale of libels against her Majesty's subjects, and to become, in fact, the only authorized libellers in the country. This resolution of the sale of their publications has caused all the evil, and they should not pass the bill without insisting on introducing a clause to prevent the mischief. Their Lordships might decide as to them seemed best, but he thought that the House should adopt some measures for preventing the House of Commons from becoming the only authorised libellers in the country.

The Earl of *Wicklow* admitted, that the evil would not have arisen, but from the resolution of the House to sanction the sale of their publications, and that being the cause of the evil, its removal might be effected by preventing the sale, particularly as the sale was under a late order of the House of Commons in 1835. Being in the country at the time of the discussion of this question in the other House, and being removed from the scene of agitation, it had appeared to him, as it did to every individual with whom he had conversed, that the proceedings of the House were unjustifiable and tyrannical to individuals; but when he read the papers communicated to this House by the other House of Parliament, he confessed, that as to the remedy proposed by his noble Friend below, he had come to a different conclusion. It was evident that the impression, that the practice of the sale of papers was of recent date, was not founded in fact. It appeared that the practice of sale had been since and before the Revolution. It, therefore, became matter of consideration, whether the evil was not one of recent date. He was disposed to think, that the loss to the public would be infinitely greater by adopting the proposal of the noble and learned Lord, than it would be by leaving the circumstances as they at present existed. It had been truly observed by his noble Friend below him, that the publication of those papers had diminished since the existence of the sale. It was clear, therefore, that whatever evil resulted from the publication, which was admitted to be right, could not be much increased by the practice of the sale. There was, it appeared from the reports, seven descriptions of papers which the House of Commons had been in the habit of selling. The votes had been sold since 1688; the petitions to the House had been sold; but was no evil likely to result from their publication? There was also the publication of bills. No evil could result from that. There was also the publication of communications from the Crown. There was no publication from which evil could result, with the sole exception of the publication of minutes of evidence taken before select committees. If such proceedings as they were now anxious to guard against were to be prevented, it could solely be done by prohibiting the sale of that species of paper; but it was impossible to frame any bill so as to prevent the sale of the papers, whilst the sale continued of every other paper published by order of the House of Commons. Under these circumstances, seeing the impossibility of making the distinction, and the conviction on his mind being that the sale was not so much the cause of the evil as the publication, which their Lordships required as a privilege, he thought that to admit the amendment of his noble friend, would be prejudicial to the public in the first place, and in the next, fatal to the bill. It gave him great satisfaction to find, that the House of Commons had descended from the high ground on which it stood, so as to adopt this bill, and send it to their Lordships. He was anxious to see the bill passed. He could not give his consent to a proposition which he knew would defeat its object. It was, therefore, with dissatisfaction that he heard the noble Duke say, he wished their Lordships to judge for themselves, and adopt the course which he recommended, or that which was recommended by his noble Friend below. He thought it right to state this, as he was sure the wish of the noble Duke would have some effect on those who were in the habit of voting with him.

Lord *Monteagle* was rather surprised at the distinction taken by the noble Duke. He was inclined to adhere to the opinion, that if a question of libel arose, the question of libel was the only question, and that the question of sale was immaterial. It would be indifferent to him if he were the object of a libel, whether it was gratuitously distributed or sold. In all the principal points, *quoad* justice *quoad* impartiality, the present system was infinitely better than that proposed. When it was said that the practice of selling these papers was a novel practice, noble Lords were quite mistaken. The argument of the noble Duke was, that the resolution of the House of Commons in 1835, introduced a new practice, and that this new practice was the cause of all the mischief. Every thing proved that that sale of papers by the House of Commons was not a casual circumstance, but one which had been resolved on after due deliberation. He was opposed to this amendment, because he held it to be matter of principle, that one House should not interfere with the internal arrangements of the other. On the propriety of that arragement he might be permitted to speak as a witness. Their Lordships were doubtless aware that the fee-fund of that House was not equal to its expenditure. The deficiency was made up by a vote of the House of Commons. Some injudicious inquirers, as he thought, had asked for the particulars of that expenditure before they agreed to the vote in question. He had regularly refused to grant an account of those particulars, on the ground that their Lordships ought to enjoy full and entire liberty to conduct their business in the mode which pleased them best. Acting on the same principle, he maintained that their Lordships ought not to pass this bill, with a condition that the House of Commons should abandon its present practice, which had been adopted with the full sanction of two such eminent speakers as Lord Colchester and Lord Canterbury, and that too on the mere suggestion of the noble and learned Lord, that a libel disseminated gratuitously was perfectly innocent, but that a libel sold was open to objection and animadversion. Could any man believe that, if this amendment were carried, it would not be fatal to this bill in the other House of Parliament? Let their Lordships reject this bill, if they deemed it injurious to the interests of the public; but if their object was peace, and if they were anxious to restore a calm between the other House of Parliament and the courts of justice, let them restore it effectually, and let them not mar their efforts by introducing into the measure, an amendment which must be fatal to its chance of success.

Viscount *Melbourne* felt it to be his duty to say a few words upon this subject. The noble Lord who had just sat down had said, that this bill was a measure of peace, and in that sentiment he believed that the whole House concurred, and he could not therefore but strongly impress upon the noble Lord opposite the consideration of the question, whether he would persist in endeavouring to introduce into it that which must infallibly have the effect of throwing out the bill. It was said that the whole of the existing evil was produced by the sale of the papers of the House of Commons. He would not enter into a history of the question, or whether the sale was a course which it was wise to persist in or not, but he could not see why it was said, that the mischief had arisen from that, or why Mr. Stockdale could not as well have brought his action if the papers had not been sold. He could not see that any very strong case of abuse had been made out. A great susceptibility and a wonderful degree of sensitiveness had been exhibited, as to the rights of the subject, and really, from the steps which had been taken, one would have supposed that there was nothing in the nature of abuse or defamation going on in the country. It was agreed on all hands, that it was right that this bill should pass, and, in reality, the only question for consideration was, whether this amendment should be agreed to. The effect of that would be to censure the House of Commons, and seeing that that House was determined not to alter its order or give up the right of sale, they proposed to say, "You shall not have the benefit of this measure, and your officers shall not be protected by it." It was impossible that they could offer a greater insult to the House of Commons than that which was proposed, more especially when, by adopting this amendment, they would impose a limit to their proceedings, in the shape of a penalty, if they did not accept the measure as it was sent to them. The main consideration, which, in his opinion, ought to weigh with them was, the desire to put an end to the unfortunate collision of authorities which had occurred, and which could only tend to weaken both, but he thought that they would destroy the great end and object of this measure by the introduction of the amendment proposed.

Lord *Colchester* said, that agreeing with the noble and learned Lord who had proposed this amendment, that the House of Commons should not have the power of sale and publication, he should vote in favour of his motion, in case of the House going to a division.

Lord *Ashburton* considered that the amendment would, if carried, insure the rejection of the bill by the House of Commons, and, as it was introduced as a bill of peace, he could not help recommending that that amendment should be withdrawn. He agreed, however, with the noble and learned Lord, that the sale was a great inconvenience resulting from the publication of these Parliamentary papers. He wanted to know what inconvenience would result from making individuals liable in courts of justice for libels inserted in their petitions to, or in their evidence given before, the two Houses of Parliament, particularly if those individuals were enabled to plead and prove the truth of their allegations. He thought, that leaving the bill in its present state, they would leave the whole subject in a state of great insecurity.

Lord *Langdale* said, that the propriety of freely printing and publishing Parliamentary papers had been placed on various grounds, such as public instruction, the duty of explaining to the country the facts and reasons on which legislation proceeded, and so on; but in his opinion it rested on the duty of obtaining the fullest possible information for the purpose of legislation. All the information which belongs to any subject can only be had by publishing the imperfect information which is already possessed; by such publication those who know more and better are induced to correct errors, and supply deficiencies, and the knowledge upon which legislation ought to proceed has thus a chance at least of being increased to the utmost, and publication being necessary, and the subjects being such as sometimes may seriously affect the character of individuals, it becomes a very important duty to avoid the insertion of injurious and improper matter in the papers. Nobody suspected either House of Parliament of desiring to avail themselves of their great powers to circulate libels and disseminate calumnies. Neither was it a question whether either House might print, publish, and sell, for any body may print, publish, and sell; but the question is, what is to be done when something injurious to individuals happens to be contained in a paper printed and published by either House; for notwithstanding the utmost precaution that could be used, it would occasionally happen that falsehoods injurious to individuals would escape attention and be published, and considering this to be an accident which occurs in a proceeding necessary for the public service, he owned it appeared to him that the servant who had published the paper in the discharge of his duty, and pursuant to the order of the House, ought not to be in any way answerable for the injury done. But he could not think that the injury ought to go without redress, or that it would be inconsistent with the dignity of either House of Parliament to permit it to be tried in a legal way, whether any statement made in a printed paper was false and injurious, and if it proved to be so, to make compensation for the damage done. However, this bill had no such provision, and he did not wish to expose it to hazard by making any proposition to that effect on this occasion. The observations made by the noble Lord who preceded him (Lord Ashburton) had induced him to make these remarks, which he admitted had nothing to do with the clause proposed by his noble and learned Friend (Lord Wynford) who desired to exclude from protection all such Parliamentary papers as should be sold. It was said, that the sale was the root of the evil, but he thought there was a great mistake in that. Some persons had undoubtedly a great repugnance to the sale, thinking that there was something mean and sordid in it; but when evil arose, it was from the publication, and not from the sale. No one had yet held that the right of any party to complain of a paper printed and published was at all affected by a sale of the same paper. His noble Friend, the Lord Chief Justice, in his judgement took care to say that the sale did not affect the question, and he (Lord Langdale) prayed of their Lordships to consider that in all probability the extent of publication had not been increased by the sale of the House of Commons papers, and that the sale had at least a tendency to secure an impartial publication, but above all that the sale is expressly ordered by the House of Commons. This clause if introduced into the bill, would be in substance a censure of that order of the House of Commons, and a declaration that unless they (the Commons) rescind an order which they have shown a strong disposition to maintain, this House will not concur with them in the bill. What could be more likely to lead to a collision between the two Houses? a result which every one would deplore. He hoped therefore that the clause would be rejected.

The Marquess of *Bute* did not know on what grounds the bill before the House could be called a "Bill of Peace." The noble and learned Lord, the Chief Justice of the Court of Queen's Bench, had said, that no powers on earth should make him agree to the bill, unless the succeeding clause to that which they were then discussing was rejected; yet that clause was as adverse to the sale of papers by the House of Commons as the amendment of the noble and learned Lord. Where, then, was the consistency of rejecting the motion of the one and agreeing to that of the other? What proof was that of the peaceful character of the bill? He was most anxious for peace between the courts of law and the Legislature, but he could not help thinking that the collision which the measure was introduced to remedy was not highly creditable to the character of the House of Commons. That House had let the judgment of the Court of Queen's Bench become law by pleading to its jurisdiction in the first instance; but when the decision was adverse to its claims, it turned short round and declared war against that court. In fact, the House of Commons had, in this transaction, gone out of its way to find ground for a collision with the courts of law, and whatever evil arose out of it was of its own seeking. He (the Marquess of Bute) wished for a bill that would ensure peace, not alone between the House of Commons and the Court of Queen's Bench, but between that branch of the Legislature and the country at large; and this he would venture to say, that if their Lordships adopted the motion of his noble and learned Friend, the House of Commons would not again refuse the bill, even though it were amended. If it should, it would know very little of the feelings of the country—of the feelings of its constituents—of the feelings of those it purported to represent.

Lord *Denman* was very sorry that any expression of his should be so construed as to lead to the rejection of the bill before their Lordships; a circumstance which he wholly deprecated. If, however, the motion of the noble and learned Lord was agreed to, such would be the case; for the House of Lords could never think of sending the measure so amended back to the House of Commons. Therefore, he trusted, that it would not be pressed, or if pressed, that it would not be agreed to. It was necessary that the power of publication should exist—it was necessary, also, that the abuse of that power should be prevented as much as possible; but it was idle to attribute the evil to the publication of Parliamentary papers; it was the publication of the debates next morning that produced the evil, if evil there was—and that there were no means of avoiding. It was a fallacy to say that the sale of papers by the House of Commons was a new proceeding; it had existed for a very long period; and it was not correct to term the resolutions of 1835 the root of the present evil. The only use made of the circumstance of the sale by him (Lord Denman) in his argument was, that it made the circulation indiscriminate which had formerly been limited and confined. In point of law, the sale made no difference in the state of the case, but in point of law it made all the difference. If, as it is clear, the practice of sale has existed in the House of Commons for nearly two centuries, then it would be an insult to it to attempt its suppression now. The adoption of the motion of the noble and learned Lord would bear that construction, and be attended with results inconvenient and not foreseen by him, in the highest degree, as it would inevitably involve the rejection of the measure.

Lord Wyndford's amendment withdrawn.

Several amendments were agreed to, and the report was received.

HOUSE OF COMMONS,

Friday, April 10, 1840.

Minutes.] Bill. Read a third time:—Exchequer Bills.

Petitions presented. By Messrs. Greene, Darby, Clive, Sir R. Inglis, Lords Stanley, and Mahon, from a number of places, for, and by Messrs. Briscoe, P. Scrope, Pease, Divett, and A. White, from several places, against Church Extension.—By Lords Stanley, and Worsley, Sir F. Trench, and Mr. Fector, from several places, against the Grant to Maynooth College.—By Sir R. H. Inglis, Sir J. Y. Buller, Mr. Estcourt, Lord Ashley, and Colonel Sibthorpe, from several places, against the Clergy Reserves Bill.—By Mr. Chichester, from Barnstaple, for the Repeal of the Corn-laws.—By Mr. Byng, from the Market Gardeners of Middlesex, against Decreasing the Duty on Foreign Fruit.—By Mr. Pease, from Liverpool, against the Opium Trade.—By Mr. P. Scrope, from Stroud, and Lord Ashley, from one other place, against the Workhouses Exemption Bill.

Reprisals on China.] Sir *R. Peel* begged to ask the noble Lord the Secretary of the Colonies, whether there was any foundation for the report which was very generally circulated, that an Order in Council had been issued for reprisals, in respect of China.

Lord *John Russell* said, there had been an Order in Council for reprisals.

Sir *R. Peel* begged to ask whether it was intended to make any formal communication on the subject to Parliament?

Lord *John Russell* said, not at present.

Sir *R. Peel*: is it intended to issue letters of marque?

Lord *John Russell* was not prepared to answer the question at that moment.

LORD SEATON'S ANNUITY.] Lord *John Russell* moved that the House resolve itself into a Committee on Lord Seaton's Annuity Bill.

Mr. *Hume* had given notice that he should in Committee on the bill move to limit the grant of 2,000*l.* a-year to the life of Lord Seaton, excluding his two successors. Since the time he had given that notice he had taken upon himself the trouble of looking into the important services which had been stated in the bill as having been performed by Lord Seaton; and he felt bound, after that search, to say that he could not discover one act of Lord Seaton's that deserved the reward proposed to be given him. His wish was, if it was consistent with the forms of the House, to refer the bill to a committee up stairs. He was prepared to show, that Lord Seaton in the situation in which he was placed, had violated the existing laws and constitution of Canada. There were no acts of Sir John Colborne's which appeared to him (Mr. Hume) to warrant such a signal mark of liberality on the part of the people of England; on the contrary, he thought there were many acts of that officer which deserved the reprobation of that House and the country. He would read one public despatch which appeared in the Parliamentary papers before the House, as a sample and pattern of the manner in which Sir John Colborne conducted the public business of the country. Greater atrocities and cruelties had never been perpetrated; and instead of going into Committee upon this bill, the House ought to call upon her Majesty's Government to prove, before a Select Committee, the important services of Sir John Colborne which called for such a mark of public gratitude. Sir John Colborne did not check, control, or punish, those who were guilty of such violent and atrocious acts, even after the cessation of the unfortunate rebellion or outbreak in a portion of Lower Canada. He would refer to one letter of Major-general Sir John Macdonald, dated the 11th November, 1838, in which that officer stated, that he had dispersed the rebels, and had destroyed the houses of two notorious rebels who had been engaged in the rebellion of the preceding winter, by causing them to be burned; and that at Le Grand he had caused the House of a notorious rebel named Bell, a blacksmith who had made pikes for the rebels the preceding winter, to be destroyed; that he had made prisoners of several leaders of minor note, and had caused their houses to be destroyed. Now, Sir John Colborne had not given any order for the discontinuance of these abominable acts, nor had he brought to trial any of the persons guilty of this atrocious conduct. Sir John Colborne had stated in his despatch that the rebels had disbanded at L'Acadie and Beauharnois, and had released their prisoners; that many houses had been burned there, but only those in which arms were found for the purposes of rebellion, and that none had suffered but those engaged in actual rebellion. Now, this despatch was at direct variance with the letter of Sir John Macdonald. Both statements could not be correct, and he thought that such a discrepancy called for an inquiry on the part of the House. Either Sir John Macdonald was in error in stating that he had destroyed the houses of persons engaged in rebellion during the preceding winter, or Sir John Colborne was in error in saying that none had been damaged but of those who were then in arms — both could not be correct. On many occasions the Duke of Wellington had punished parties acting under him, for having exceeded their orders, and for having been guilty of such excesses as those to which he was then alluding. If the documents he required were furnished to the House, he thought, he would be able to show, that Sir John Colborne, so far as the interests of humanity were concerned in discharging his duties as Commander-in-chief, not only deserved no reward, but should be censured for the course he pursued. With regard to the conduct of Sir J. Colborne, a civil governor, he (Mr. Hume) believed there was no parallel to be found for it in any of the colonies of the British empire. All he asked was, that Parliament should be just, and if severity was to have been exercised in Canada, he thought it would be admitted that unnecessary rigour should not have been resorted to. Three Courts-martial had been held during the sittings of the ordinary tribunals, and at those courts-martial an ordinance had been issued, having an *ex post facto* operation, and ordering the burning or destruction of the houses of those who had previously been engaged in rebellion, at a time when no law of Canada allowed such destruction of their property; just as though, if there happened another outbreak in Monmouth this year, the troops were to proceed to ravage the property of all those concerned in the last outbreak. What he complained of was, that Sir J. Colborne, by the orders he issued, had called upon these men to appear and answer for the offences for which her Majesty's Secretary of State for the Colonies had declared there was a complete amnesty. Lord Durham had declared in his proclamation issued after the receipt of Lord Glenelg's despatch, that there should be a complete amnesty of all those individuals. One of them came back after the amnesty had been published, believing himself, under Lord Durham's proclamation to be safe. Now, Sir J. Colborne had ordered that individual to be seized by a body of horse and sent beyond the frontier, contrary to the declaration of her Majesty's Government. If such proceedings, so contrary to the usual stream of justice in this country had taken place, and if such atrocities had been perpetrated, which he alleged the public documents would prove, he would ask whether Sir John Colborne was a person who ought to be allowed to receive 150,000*l.*, or even 1,000*l.* of the public money? He could further show that the Habeas Corpus Act had been suspended in a most unwarranted manner. A question was referred to two of the Judges as to how far the Imperial Act of last Session altered the law, and how far Sir John Colborne had the power of suspending the Habeas Corpus Act; and Sir John Colborne actually suspended those two judges because they ventured in the execution of their duty, to give an honest opinion in favour of the liberty of the subject. He would move next Tuesday for a copy of all the correspondence that had taken place on that subject. It was a dangerous principle which had been introduced of late years of rewarding persons for the exercise of their ordinary duties, and he thought the House ought not to sanction the irregularities of which Sir John Colborne had been guilty. He would, therefore, move by way of amendment that the bill now under consideration should be referred to a Select Committee up stairs, for the purpose of ascertaining how far the conduct of Sir John Colborne was deserving of the pension proposed to be granted to him.

The *Speaker* doubted whether the motion were in conformity with the rules of the House. He understood it to be to refer the bill to a Select Committee, and that they were to inquire into the conduct of Lord Seaton.

Mr. *Hume* said, the motion might be divided into two parts, and perhaps he was irregular in uniting them. The first motion ought to be to refer the bill to a Committee up stairs, but he had added the subsequent part in order that no one might be mistaken as to the ulterior object which he had in view.

The *Speaker* put the motion that the bill be referred to a Select Committee.

Lord *J. Russell* was very sorry the hon. Member had chosen this opportunity to renew a question which, he conceived, to have been settled by the House, and by a very great majority. The proper time to state any conduct of Lord Seaton which might induce the House not to comply with the recommendation of the majority to grant him a pension, was when that recommendation was under consideration. The hon. Gentleman had then stated his reasons, and the House by a great majority had decided against his views. And yet he now came with an irregular motion, which the Speaker would not permit him to make, and by it, and by his comments, arraigned the conduct of Lord Seaton, who if the allegations of the hon. Gentleman were to be relied upon, was not only unworthy of any mark of favour from the Crown or the country, but ought to be dismissed the military service as one who disgraced it.—[Mr. *Hume:* Such ought to be the case.]—No doubt the hon. Member thought so; but he took an extraordinary opportunity of declaring his view, when the House was on the point of going into committee, having decided that a pension of 2,000*l.* a year should be granted, and Lord Seaton having already received a mark of favour—one of the most honourable that could be conferred—from the Crown. He should not go into the items or details of Lord Seaton's conduct; but when the hon. Member referred to the Duke of Wellington restraining the excesses of his army—and it was generally known, that no commander ever was more strict and determined in restraining all such excesses—he ought to value the authority of the Duke of Wellington, and the testimony he had borne, not only to the courage and capacity, but also to the humanity of Lord Seaton, with which no man was better acquainted. As to the suspension of the constitution in Canada, it was not Lord Seaton, but Parliament, that was answerable for that necessary measure of severity. It was not upon the administrator of the Government that censure ought to fall, if any were due. Was the hon. Member ignorant of the outrages by which that severity was rendered necessary? and was his whole sympathy to be bestowed on those who had engaged in insurrection? and had he no commiseration for those whose only crime was their loyalty, but who had been made the victims of the most licentious violence, or compelled to fly with their families into the woods to escape them? He could not agree with the hon. Member as to the conduct of the troops. He believed that the disorders were for the most part committed by persons in the fury of civil war upon those who had before been guilty of similar outrages upon them. He placed the responsibility of all these misfortunes upon those who had encouraged the insurrection—a most unjustifiable insurrection, almost without pretence, and which could lead to no good result. With regard to the punishments inflicted, he knew of no instances in which persons guilty of treason were more leniently treated than those engaged in the insurrection in Canada had been by Lord Seaton. Many owed their lives to his clemency; and many, who were sentenced to transportation, received free pardons from the man against whom the hon. Member made charges of cruelty and atrocity, but who was as distinguished for humanity as for his capacity and military skill. It was not necessary for him to undertake the defence of the suspension of the *Habeas Corpus* Act and other departures from the ordinary course of constitutional law. He would only observe, that Lord Durham and Mr. Poulett Thomson were as responsible for those measures as Lord Seaton; and they had been approved by the general voice of Parliament as measures necessary to the suppression of a wanton and licentious war.

Mr. *G. H. Vernon* complained of the Member for Kilkenny having taken the House by surprise, and he protested against thus unexpectedly indulging in charges and aspersions upon persons of high character, who were neither present to defend themselves, nor could be adequately vindicated by others, in consequence of the want of notice of the attack.

Mr. *Gillon* agreed with the hon. Member for Kilkenny, that the House had been taken by surprise. He did not think it was too much to ask of the House to pause before granting so large an amount of pensions. They had not heard any statement of the services for which that large grant was to be given. At all events, there were conflicting statements, as was shown by the public documents to which his hon. Friend had referred; and he thought time should be given to contradict them, if they were erroneous. Before they voted away the public money, they should be satisfied of the truth of the statement by which the grant was made.

Sir *R. Inglis* said, that although the hon. Member's right to bring on his motion without notice was unquestioned, as it was unquestionable, yet having given a notice, that notice was quite inconsistent with his present motion. The notice was to limit the pension to Lord Seaton's life; the motion was to deny that he deserved any pension at all. He hoped the hon. Member would not be suffered to withdraw his motion, but that the House would record its opinion, and thus show how many, whether two, or three, or four—he trusted there would not be more—upheld the doctrines which the hon. Member propounded.

Mr. *V. Smith* said, the hon. Member had certainly taken the House by surprise, for, from the terms of the notice, he (Mr. V. Smith) had loaded himself with precedents of pensions for military services, thinking that there was no other question to be discussed; but instead of that, the Member for Kilkenny entered into details which, he well knew, no one could meet without preparation.

Mr. *Ewart* said, the inquiry proposed by his hon. Friend could not be referred incidentally to the committee, whose only business would be to prepare and finish the bill. The subject matter into which the hon. Member proposed to inquire must be considered to be part of the principle of the bill, which had been affirmed on the second reading.

Mr. *Goulburn* said, it would be unparliamentary in him to impute motives to the hon. Member for the course he had pursued, but the effect of it was to enable him to indulge in a train of acrimonious invective against an officer of great merit, while he concluded with a motion which he could not regularly make, and which nobody, therefore, could regularly answer. If Lord Seaton wanted a confirmation of his high character, it would be supplied by this proceeding, when the House recollected the party with which the hon. Member had connected himself in Canada, and how Lord Seaton had defeated the attempts of that party.

The House divided on the original motion—Ayes 79; Noes 8: Majority 71.

List of the Ayes.

Baring, rt. hon. F. T.
Bernard, E. G.
Bernal, R.
Blackstone, W. S.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Clay, W.
Curry, Serjeant
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Du Pre, G.
Ewart, W.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Goulburn, rt. hon. H.
Hawes, B.
Heathcote, Sir W.
Herbert, hon. S.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hoskins, K.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Lascelles, hon. W. S.
Lushington, C.
Lushington, rt. hn. S.
Lygon, hn. General
Macaulay, rt. hn. T. B.
M'Taggart, J.
Maule, hon. F.
Monypenny, T. G.
Morpeth, Lord
Murray, A.
Neeld, J.
O'Brien, W. S.
Palmerston, Lord
Parker, J.
Pechell, Captain
Peel, rt. hn. Sir R.
Perceval hon. G. J.
Pigot, D. R.
Redington, T. N.
Rose, rt. hon. Sir G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Sheppard, T.
Sibthorp, Colonel
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Spry, Sir S. T.
Stanley, hon. E. J.
Steuart, R.
Style, Sir C.
Sutton, hn. J. H. T. M.
Tancred, H. W.
Tufnell, H.
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
Wall, C. B.
Winnington, Sir T. E.
Wood, G. W.
Wood, Colonel T.
Yates, J. A.
Young, J.

TELLERS.
Gordon, R.
Grey, Sir G.

List of the Noes.

Aglionby, H. A.
Duncombe, T.
Pease, J.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

TELLERS.
Hume, J.
Gillon, R. D.

House in Committee on the bill.

Mr. *Hume* moved to limit the pension to the life of Lord Seaton.

Mr. *J. O'Brien* thought the pension ought not to be extended to three generations. Strong objections were made to give a gentleman aged eighty years a pension of 1,000*l.* a year for his life, though he had performed civil services equal in benefit to the country to the military services of Lord Seaton, and yet now it was proposed to require this pension for three generations. He would suggest that it should be limited to the life of the next male heir.

Mr. *Wallace* would support his friend the hon. Member for Kilkenny, wishing that peerages should be granted for life only.

Mr. *Gillon* rejoiced that his hon. Friend had opposed this long pension. He thought it was high time to begin another course, and he should certainly support his hon. Friend.

Colonel *Sibthorp* said, the hon. Member for Kilkenny was not very consistent in his desire to save the public money, for he had last year supported a motion for granting 6,000*l.* a year to the Duke of Sussex.

Lord *J. Russell* thought that, if the pension were limited to the noble Lord's life, he would be by no means sufficiently rewarded. He would not put the question merely on the merit of Lord Seaton, but upon all those services which the House thought it necessary to reward. When they recollected the hardships of military service, he thought that a pension at the close of a long career of such services for the remainder of the life of the person who performed them, was by no means commensurate, nor would it be equal to the benefits conferred on those who in other professions rendered service to the country.

Mr. *Aglionby* said, that formerly it was the practice to give those pensions for ever; but a judicious alteration had been introduced in the case of Lord Combermere, by limiting it to the two next male heirs: He wished that the noble Lord had carried the principle still further. If the reward was not sufficient, he would much rather that it should be increased than saddle the public for an indefinite period.

The Committee divided on the original clause—Ayes 48; Noes 22: Majority 26.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Baring, rt. hn. F. T.
Barnard, E. G.
Broadley, H.
Clay, W.
Curry, Serjeant
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Fremantle, Sir T.
Freshfield, J.
Gordon, R.
Grey, rt. hn. Sir G.
Hawkes, T.
Heathcote, Sir W.

Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Ingestrie, Viscount
Inglis, Sir R. H.
Lushington, rt. hn. S.
Lygon, hon. General
Maule, hon. F.
Morpeth, Viscount
O'Brien, W. S.
Palmerston, Viscount
Perceval, hon. G. J.
Pigot, D. R.
Plumptre, J. P.
Polhill, F.
Redington, T. N.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seale, Sir J. H.
Sheil, rt. hn. R. L.
Sheppard, T.
Sibthorp, Colonel
Slaney, R. A.
Smith, R. V.
Somerville, Sir W. M.
Stanley, Lord
Style, Sir C.
Talfourd, Serjeant
Tancred, H. W.
Vere, Sir C. B.
Wood, Colonel T.
Young, J.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Brodie, W. B.
Brotherton, J.
Busfeild, W.
Duncombe, T.
Ewart, W.
Fielden, J.
Finch, F.
Gillon, W. D.
Hutton, R.
Lushington, C.
Morris, D.
Muntz, G. F.
Pease, J.
Rundle, J.
Salwey, Colonel
Turner, E.
Vigors, N. A.
Wakley, T.
Wallace, R.
Williams, W.
Wood, B.
Yates, J. A.

TELLERS.

Hume, J.
Aglionby, H. A.

House resumed.

CHINA—LETTERS OF MARQUE.]—Lord *J. Russell* said he understood that the answer he gave to a question in reply to the right hon. Baronet (Sir R. Peel) had led to some misunderstanding. The right hon. Baronet had asked if the orders in council, recently issued, authorized reprisals to be made on the Chinese. In the reply which he had given he was understood to have said, that letters of marque, authorising privateers to take Chinese vessels, had been issued. This was a misunderstanding. The orders in council only gave power to the courts to condemn vessels detained by her Majesty's ships of war, under certain circumstances; but it gave no letters of marque to privateers. The orders in council were dated Friday last.

HOUSE OF LORDS,

Saturday, April 11, 1840.

MINUTES.] Bills. Read a third time:—Printed Papers.—Read a second time:—Exchequer Bills.

Petitions presented. By the Marquess of Normanby, and Lord Denman, from two places, for Medical Reform.—By the Earl of Clarendon, and Lord Sydney, from several places, for the Repeal of the Corn-laws.—By the Marquess of Normanby, from two places, for Church Extension.

HOUSE OF COMMONS,

Saturday, April 11, 1840.

MINUTES.] Bill. Read a third time:—Tithe Composition (Ireland).

Petitions presented. By Mr. Elliot, from Roxburghshire, for Annual Parliaments, Vote by Ballot, and Universal Suffrage.—By Mr. O'Connell, from several places, for the Repeal of the Corn-laws; from one place, for the Emancipation of the Jews; and from another place, for Universal Suffrage, and Vote by Ballot.—By Mr. Villiers, from three places, for the Repeal of the Corn-laws.—By Messrs. Dunbar, and Elliot, from several places, against Lay Patronage.—By Colonel Rushbrooke, Sir C. B. Vere, and Colonel T. Wood, from several places, for Church Extension.—By Mr. Lowther, from York, against the Clergy Reserves Bill.—By Mr. Oswald, from Glasgow, in favour of the Copyright Designs Bill.—By Mr. Hodgson, from Swansea, against the Municipal Reform Act.

WAR WITH CHINA—ORDER IN COUNCIL.] Sir *R. Peel* said, that he had given notice of a motion for the production of the orders in council, directing reprisals to be made on vessels belonging to the Emperor of China, or any of his subjects, but he found that the necessity for that motion was obviated by the order in council which the noble Lord had just laid on the table, directing such reprisals, and ordering a commission for the constitution of Admiralty or Vice-Admiralty Courts. That commission had not yet been made out, but he hoped that when it should have received the assent of the Crown, there would be no objection to laying a copy of it before the House. [Viscount *Palmerston:* None.] It was not his intention to say anything which could raise any debate on the subject at present, but he apprehended that the order in council authorized positive instructions to be given to all her Majesty's vessels of war to seize all vessels belonging to the Emperor of China, or to any of his subjects. This he apprehended was not a limited but a general order, extending not alone to the coasts of China, but to vessels of that nation wheresoever found. Then, in the event of seizure taking place, he would ask what was to become of the property so seized? Were such seizures to become droits of the Crown? He apprehended that the Admiralty Courts would not proceed at once to adjudication, but that the course would be to detain the vessels, as the adjudication would depend on ulterior events, upon the contingency of the Emperor of China making compensation for the losses sustained by British subjects. But the principal question which he wished to put to the noble Lord was, whether the order in council contained instructions to all her Majesty's vessels of war, to seize all ships belonging to China, in whatever seas they might be found?

Viscount *Palmerston* said, that the order in council contained full authority to all captains of her Majesty's ships of war to seize and detain all Chinese vessels they might fall in with; but practically the order would apply only to such of her Majesty's ships as were on the coast of China—for Chinese vessels were to be met with only in the seas bordering on their own coasts. The vessels seized would be kept in safe custody until the demands of her Majesty's Government were satisfied. If due reparation were made, they would of course be released; if that reparation should be refused, the Admiralty Courts would adjudicate on them, and when condemned, the proceeds would be disposed of as her Majesty might think fit.

Sir *R. Peel:* The noble Lord then assumed, that the trade of China was carried on only on its own coasts? [Viscount *Palmerston:* Yes.] In ordinary circumstances that was perhaps the case, but under new circumstances there might be exceptions. He would now beg to ask the noble Lord whether the usual proclamation as to the distribution of prize money had been issued?

Viscount *Palmerston:* No such proclamation has been issued.

The *Attorney-General* observed, that such proclamations were not issued, except in cases where war had been declared, and there had yet been no such declaration. All that had been done was no more than an attempt to obtain reparation for injuries sustained.

Sir *R. Peel* did not wish to enter into the question of war. He had purposely avoided any reference to that question at present.

Lord *J. Russell* said, that the right hon. Gentleman (Sir R. Peel) had asked him, on a former evening, whether it was the intention of Ministers to bring down any message from the Crown relating to hostilities with China. He had begged to decline an answer at the moment, as the Government reserved to themselves the answer, in order to wait further accounts from China, which might have rendered a message from the Crown necessary. The accounts which had since reached England were not such as made it incumbent on the Government to bring down a message from the Crown. As, however, he had no desire to conceal any information that he could fairly give, he would say, that considering all the cases of hostile collision in which messages had been sent, and those in which they had been withheld, he wished to have it understood, that as far as the proceedings with respect to China had yet gone, it was not intended to advise the Crown to send down a message to Parliament.

Subject dropped.

HOUSE OF LORDS,

Monday, April 13, 1840.

MINUTES.] Bills. Read a first time:—Tithe Composition (Ireland).—Read a second time:—Frivilous Suits Act Amendment.—Read a third time:—Exchequer Bills.

Petitions presented. By Lord Kenyon, from Northumberland, against the Grant to Maynooth College.—By the Earl of Rosebery, from Cupar, and other places, against the Union of Church and State, and for the Release of John Thorogood.—By the Marquess of Westminster, from Temperance Societies, for promoting the Growth of Assam Tea.—By the Duke of Wellington, from the University of Oxford, against the Clergy Reserves Bill.—By the Marquess of Londonderry, from Down, in favour of Non-Intrusion.—By the Earl of Haddington, from one place, for the same.—By the Earl of Radnor, from one place, for the Repeal of the Corn-laws.—By the Archbishop of Canterbury, and the Bishop of London, from several places, against the Clergy Reserves Bill; and by the latter, from several places, for Church Extension, and against the Grant to Maynooth College.—By Lord Redesdale, and the Archbishop of Canterbury, from two places, for facilitating the Collection of Tithes.—By the Earl of Winchilsea, from East Kent, for Church Extension; and from Liverpool, against the Irish Municipal Bill.—By the Earl of Mountcashel, from Dublin, against the same.—By the Earl of Glengall, from one place, against the Importation of Flour into Ireland.

ASSAM TEA.] The Marquess of *Westminster* presented five petitions from temperance societies, praying for encouragement to the growth of Assam tea. He had no sort of doubt that her Majesty's Ministers would do every thing in their power to restore amicable relations with China, at the same time that they would not allow the honour of this country to be tarnished. He had heard a great deal said about the trade in opium, but he was sure that it would be very difficult to persuade the people of the eastern coasts of China, to abandon the use or abuse of a drug to which they had been so long habituated, and it would also be very difficult to prevent adventurous traders from supplying a commodity from the traffic, in which they derived such large gains. However, if our relations with China should be interrupted for a long time, it would be a great advantage to derive a sufficient supply of tea (which had become to this nation almost a necessary of life) from our own dominions. He had no doubt that with encouragement, Assam would soon be able to furnish a sufficient quantity of tea for our consumption; and having tried the quality of the tea grown in that province, he could say that it was very palatable, and he could not doubt that it would before long be equal to the best of Chinese growth. The demand for tea would be greatly increased by the extensive progress of the "temperance pledge" in all parts of the United Kingdom, and especially in Ireland, where the progress of the pledge had been so great as to alarm the noble Marquess opposite, (Westmeath,) perhaps more than the uncourteous allusion to the "bilious scion of the house of Derby." He hoped the prayers of the petitioners would have some weight, and that the Legislature would give every encouragement to the growing of tea in the East Indies.

The Marquess of *Westmeath* had heard, that the people who took the temperance pledge in Ireland, did really abstain from drinking spirits, but he did not believe they had yet taken to drinking tea. If the only manifestation at the temperance meetings in Ireland, had been that of a desire to abstain from spirits and to drink tea, he should have been very little alarmed.

Anglo-Spanish Legion.] The Marquess of *Londonderry* must again press upon the attention of the noble Viscount, the subject of the claims of the late unfortunate British legion. This was, it was well known, a subject on which he took the greatest interest, and he trusted, that the noble Earl opposite (the Earl of Clarendon) had seen the letter lately published by a gallant officer, who held a high command in the legion, repelling the taunt which had been cast on the officers of the British auxiliary legion, of a want of *esprit du corps*, and of a proper sense of dignity and decorum in having applied to the Marquess of Londonderry to support their claims in the House of Lords. He was also desirous of calling the noble Viscount's attention to a great grievance, which arose from the circulation of the certificates granted by the Spanish government. Some of them had got into the hands of honest tradesmen and citizens in this town, and they would either be ruined or put to the greatest inconvenience, if they were not paid. The following letter had been transmitted to him on this subject, which he would read to their Lordships:

"7, Paul-street, Finsbury-square,
April 9, 1840.

"My Lord—I know and feel that I am taking a great liberty in occupying one moment of your Lordship's valuable time. I beg, however, most humbly, your Lordship will please to read my letter, and humbly trust to your Lordship's humanity to pardon me.

"Some months back, in my little industrious pursuits, I took, in the way of business, a Spanish certificate for 16*l.* 15*s.* 6*d.*, signed by two commissioners, and also by General Alava, for which I gave good and honest value, but not till I ascertained from General Alava himself that it was correct and would be paid. Since that, owing to illness in my family, I fell into great distress. I endeavoured to sell the certificate, but could not get half the amount. Having seen it stated in the *Morning Chronicle* that the amount of the certificates would be all paid, in consequence of an arrangement made by Lord Melbourne, I wrote to his Lordship in deep distress. I received his answer, desiring me to apply to the Foreign Office. I received Lord Palmerston's answer, desiring me to apply to General Alava, the Spanish Ambassador at this Court. I did so, and presented both the letters, and, after calling every day for a week, his secretary said the General was very sorry, but if he paid me it would be a precedent, and he would be troubled, and I must wait till the time of payment arrived. My daughters were ill, and we were literally starving. A respectable tradesman in this neighbourhood lent me four pounds on the certificate. He has got it, the *Morning Chronicle* which I purchased, and the letters of Lords Melbourne and Palmerston.

"I humbly beg to state to your Lordship that the amount of the certificate, or less, would enable me to earn a living. My daughters are, thank God, recovered, but I am in a state of total destitution, and know not what to do. I have no claim on your Lordship more than being an Irishman in great distress, and pray your Lordship to pardon me. I have the honour to be, with the greatest respect, your Lordship's most humble and obedient servant,

"Thomas Fitzgerald.

"I beg most humbly to state to your Lordship that I have been extensively in business in London for twenty years as an importer of Irish provisions, but have been unfortunate and lost all; and, small as the amount of the certificate is, it is enough for me to earn an honest living and be happy the remainder of my life. If your Lordship will benevolently condescend to notice my appeal to your humanity, my gratitude will never cease. I have not this moment the command of one shilling, and know not what to do."

The notice in the *Morning Chronicle* to which the poor man referred, was this:—

"British Auxiliary Legion.—We have great pleasure in stating from authority that the claims of the officers and men of the unfortunate legion upon the Spanish Government are now in a fair way of being speedily settled."

The notice then stated some other particulars, which it was not now necessary to mention. The answer which the noble Viscount (Melbourne) sent was as follows:—

"Downing-street, February 3, 1840.

"Sir—I am desired by Viscount Melbourne to acknowledge the receipt of your letter of the 1st instant, and to inform you that you should make your communication to the Foreign Office.—I am, your obedient servant,

"Thomas Fitzgerald, Esq. "C. HOWARD."

This poor man was told that he should make his communication to the Foreign Office. He did so, and he was referred to General Alava, the Spanish Ambassador. The answer of the noble Lord at the head of the Foreign Office was as follows:—

"Foreign Office, Feb. 5, 1840.

"Sir—I am directed by Viscount Palmerston to acknowledge the receipt of your letters of the 31st ult. and the 4th instant, stating that you hold a Spanish certificate for 16*l*. 15*s*., signed by General Alava, and requesting to be informed how you are to obtain payment of the same; and I am to acquaint you in reply that his Lordship is not in possession of the information required by you, but his Lordship suggests that you should apply to General Alava, the Spanish Minister at this Court—I am, Sir, your most obedient, humble servant,

"W. F. STRANGWAYS."

"Thomas Fitzgerald.

Mr. Fitzgerald then applied to General Alava. He saw the secretary of the Embassy, and was told the General was sorry—that if he paid him it would be a precedent, and that he must wait till the time for payment arrived. The consequence of this was that this poor man was thrown into a starving condition. This case was quite disgraceful to the Government and to the Spanish Embassy, and therefore he trusted that during the Easter recess some steps would be taken towards the final settlement of these claims. The certificate was in itself a curiosity. It had on the back some twenty names of parties to whom it had been transferred. He again repeated that he trusted these claims would be settled, because if they were not, these certificates would be in circulation, inflicting injury on all those who had purchased them. Now with respect to the Bergara papers, he must say that he had never seen so meagre a compilation. He hoped, as had been the case with the China papers, that the Government would be induced to dole out a little more information. He wished now to state certain questions on which he should be glad to receive to-morrow some information from the noble Earl (Clarendon). First, whether Lord John Hay had any instructions to open a communication with General Maroto; secondly, whether that gallant Officer was instructed to aid the views of Munagorri, notwithstanding that his attempt was not recognised by the Christino government; thirdly, whether it was promised to preserve the Basque fueròs as far as they were consistent with the Spanish representative government; and, lastly, whether in the proceedings which had been taken between Espartero and Maroto it was the determination of the British Government that the fueros should be fully preserved.

Subject at an end.

MUNICIPAL PROPERTY (IRELAND)]. The Marquess of *Westmeath* begged to ask whether the noble Viscount intended to lay upon the table the evidence which had been given respecting the corporation of Dublin before the committee of inquiry?

Viscount *Duncannon* did not know what evidence the noble Marquess referred to.

The Marquess of *Westmeath* said, it was a most extraordinary thing that her Majesty's Ministers should bring forward a measure of this description without even knowing that evidence had been given on the subject. What an exhibition to make to the country! He was not bound to inform her Majesty's Ministers where they were to find the evidence.

Viscount *Melbourne* apprehended, that if the noble Marquess alluded to evidence which had been given before the committee of inquiry, the evidence which the noble Marquess required was already before the House.

The Marquess of *Westmeath* said, the impression of the noble Viscount was erroneous, as the evidence before the House did not contain any statements as to the corporation of Dublin. It was the business of her Majesty's Ministers, when they brought forward a measure, to have all the evidence appertaining to it ready.

Lord *Cloncurry* hoped, that if evidence were heard in opposition to the bill, evidence would also be heard respecting the rights of which corporations had been robbed by patrons and others.

The Marquess of *Westmeath* thought such an inquiry also very desirable. In fact, he thought, the case of each individual corporation should be referred to a select committee. [*Much laughter.*] This suggestion appeared to amuse noble Lords opposite; but when their Lordships were about to interfere with vested rights, they ought not to consider the trouble which it might cost them to act fairly and justly. He knew that corporate property had been invaded by patrons in some corporate towns. With regard, however, to the city of Dublin, the present bill would take away property which would be worth 100,000*l.* a year, and it was the duty of the Government to lay before their Lordships every document which it could to justify such a proceeding.

Viscount *Duncannon* thought really that the best course the noble Marquess could adopt would be to specify in a notice the documents which he desired to have laid upon the table.

The Marquess of *Westmeath* said his motion would be for all the evidence which had been given before any committee of inquiry respecting corporate property, and the manner in which the judicial and other functions of corporations had been discharged. He should wish to take the largest description of the evidence which could be given.

Subject at an end.

PREVENTION OF FRIVOLOUS SUITS.] Lord *Denman* moved the second reading of the Frivolous Suits Prevention Bill. In doing so he would not trouble their Lordships with any remarks on the details of the measnre, as the bill had been laying on their table for some time, and consequently their Lordships would be fully acquainted with it. He would merely say, that the object of the bill was to render that clear which was formerly obscure in preventing parties from bringing frivolous suits. He had received many letters from parties whose opinions were entitled to respect, and they all expressed their approbation of the principle of the measure. He had fixed the sum of 40s. as the test of the frivolity of a suit in which the damages were laid at that amount. But he had subsequently considered that this should not refer to actions brought for the recovery of damages in cases of trespass on land. Considerable injury might be done to gardens and such property by trespass, though the damages could only be laid at or under 40*s.* He had, therefore, thought it fit not to consider that sum the test in cases of trespass. He believed that no objection was raised to the principle of this measure, and he could therefore at once, without further observation, move that the bill be now read a second time.

Lord *Wynford* was understood to express his opinion in favour of the principle of the bill, but he at the same time thought, that some beneficial alterations might be introduced in its details. He would, however, willingly agree to its second reading.

Bill read a second time.

TITHE COMMUTATION ACT AMENDMENT.] The Marquess of *Lansdowne* rose to move the second reading of the Tithe Commutation Act Amendment Bill. He trusted that his motion would meet with no objection on the part of their Lordships, as it had met with no objection on the part of the right rev. Prelate at the head of the church. He would not detain the House by explaining to them the details of the measure, but he would merely apprise them of the nature and object of the bill. In any great change of property, especially during the time when the change itself was taking place, some evil, inconvenience, irritation, and injury, were sure to arise. This had occurred with regard to this measure. The aim of this bill was to render as effective and as practicable as possible the change that had taken place with regard to the payment of tithes. The bill provided, that when the rent-charge was settled the tithe payer should have the option of taking upon himself the payment of the rent-charge, and that he should be able to give security to the tithe proprietor. He expected that in its operation this measure would be found beneficial to all parties. He would not detain their Lordships by any further remarks. Some of the clauses might require consideration, though he could assure the House that they had been prepared with diligence and care.

Bill read a second time.

POOR-LAW GUARDIANS.—(IRELAND.)] The Marquess of *Westmeath* then rose to move, pursuant to his notice, for a Select Committee to inquire into certain elections of poor-law guardians in Ireland. He had felt himself impelled by a sense of duty to bring this subject under the notice of their Lordships, though he would readily admit it was a very dry one. Their Lordships would recollect that in the session before the last a bill passed through Parliament for the relief of the poor in Ireland. The language in this House on that occasion was that of congratulation on all sides, because it was said, that party views and feelings could not be allowed to enter into the question, and that the only consideration was the benefit of the poor. The Act in the outset provided a certain constituency for the election of Poor-law guardians in Ireland, and in another part directed all persons who were liable to the county cess should vote in the first instance of such an election. It appeared, however, that Parliament, relying, as he supposed, on the commissioners to be appointed for the purposes of the act, did not direct any scrutiny into the manner in which those votes were tendered. But their Lordships would be surprised to find that those commissioners had not prescribed any rules on the subject. A bill was introduced in the last session by a Member of her Majesty's Government, the effect of which, according to his reading, was to do away with all the stringent provisions which Parliament had intended in the Poor-law Bill to apply to that part of the subject, and to insure that all elections should take place under the influence of these boards, though it was described merely as a bill to rectify former errors, and regulate certain matters relating to the quarter sessions. Into that bill, as had been only lately discovered, a clause was introduced on the third reading, without any of her Majesty's Ministers having alluded to it, which provided that all persons who were liable to pay the poor-rates should be entitled to vote for the Poor-law guardians. Now, their Lordships would have to infer from his statement, that the conduct of the Government as to the patronage given to them by this act, was not only unjustifiable, but that positively a high crime attached to them in that respect. Now, the Poor-law commissioner for his part of the country, a Dr. Phelan, who, as he was informed, had been an apothecary first in Dundalk, and subsequently in Clonmel, had, it appeared, after he had been appointed to his responsible situation by the Government, attended a meeting which was exclusively composed of Roman Catholic priests. That was the qualification he had shown for the confidence which the Government had reposed in him. In the county of Westmeath, a few months after the different electoral divisions of the county had been made, in July, 1838, that same Gentleman had, on his own authority, at the instigation, no doubt, of the Roman Catholic archbishop and his clergy, undertaken totally to change that arrangement, and thereby alter the effect of the rating. He spoke of that arbitrary act to show the manner in which that Gentleman had acquitted himself. He also understood that in the county of Louth Dr. Phelan had proceeded to divide all the large properties, so as to assist the Roman Catholics by dividing those properties into fractions, and thereby reducing their influence. Having alluded to the part the Roman Catholic clergy had taken in these matters, he might say that their whole conduct was marked by a reckless indifference to the peace of the country and the expense of having contested elections. In fact, three-fourths of these elections had been made objects of contest through the influence of the priests against the wishes of the landed proprietors. The next subject he would call their Lordships' attention to was the appointment of returning officers. He thought he was correct in stating that the noble Lord the present Secretary for Ireland had urged the necessity of making those appointments as much as possible from among high constables. Now, in the county of Clare a gentleman named O'Connell was made returning officer, and the following account, with which he had been furnished, would show the partial manner in which that gentleman had acted:—

" At the Poor-law meeting held in Ennistimon, in the county of Clare, on the 4th of September, 1839, Mr. Charles O'Connell, being returning officer, was charged by Mr. George Macnamara with partial conduct, when Mr. O'Connell said, 'I will now tell you what I did. In the first instance I gave notice by printed bills, that as there were a good many persons paying cess whose names did not appear on the constables' books, and who were entitled to vote, if they came to me with a certificate, signed by their landlord, or a certificate from a Roman Catholic clergyman, stating his own knowledge of it, I would give them voting papers.' He also caused this to be proclaimed by the public bellman during the fair-day of Ennistimon—a day which was of course a public one, and on which it was to be supposed both landlord and tenant would be present. He did not think that by any possibility he could more effectually ascertain the right to the franchise. When he was first appointed he went to Kilrush and explained to Mr. M'Donnell, the returning officer there, the nature of his plan, and he had the gratification to say he had pleased Mr. Hawley, one of the assistant ccommissioners."

It further appeared in evidence, at an inquiry held by the Poor-law Commissioners, that the priest of the parish recommended from the altar the names of the persons who ought to be elected as Poor-law Guardians; and still further, it appeared that Mr. C. O'Connell, he being the returning officer, harangued the people after mass, and said,

> "As returning officer, I am precluded from interfering with the election of Poor-law Guardians, but vote for the men that the priest desired you."

Now, the instructions of the Commissioners to the Poor-law returning officers concluded thus:—

> "In conclusion, the commissioners desire to remind you of the responsibility you incur by the acceptance of this office; your duty is easily performed, if you only bring honesty of purpose, impartiality, and reasonable activity to the task. On the other hand, if you should be guilty of wilful carelessness or disobedience of the commissioners' orders, or if you should manifest any disposition to use your office and the means it gives you to influence improperly the return of any candidate, you will forfeit your title to any remuneration and expose yourself to the penalties prescribed by the 102d section of the act. These penalties may be enforced by any one; and it would be the imperative duty of the commissioners to take proceedings against you if complaint of wilful misconduct should be substantiated. All persons employed by you are equally bound to observe strict impartiality and a conscientious obedience to the directions they receive, and it will therefore be incumbent on you to warn them of the penalties they will incur by an opposite course."

The Poor-law Commissioners having taken up the subject had then given the following opinion as to the wilful misconduct of Mr. O'Connell:—

> "Poor-law Commission-office, Dublin,
> October 16, 1839.
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> "Sir,—The Poor-law Commissioners desire to inform you that the Assistant-Commissioner in charge of the district comprising the Ennistimon Union, having inquired into the charges made by you against the returning officer, Mr. Charles O'Connell, except those in your letters of the 22d of August and the 5th ult, which, it appears, you did not press, they have received a report thereon, together with the evidence which was taken on that occasion, and they are of opinion that the charge of having addressed a meeting of the cess-payers at the chapel of Chanay on the 18th of August last, as asserted by you, has been proved against him, and the Commissioners have therefore written to him, expressing their strong disapprobation of such an interference on his part, and their reprehension of the observations which he then made, and he has been informed that a repetition of such conduct would be held to disqualify him from filling the office of returning officer in future. By order of the board, W. Stanley, Assistant Secretary.
>
> J. Macnamara, Esq."

The following further quotation from the instructions of the Poor-law Commissioners to the Assistant-commissioners would put their conduct in its true light:—

> "The board feels it to be its duty, under the heavy responsibility devolved upon it, to point out to the Assistant Commissioners the vital importance of their avoiding even the semblance of party bias, either in politics or religion, which are unhappily the two great points of disseverance and contention in this country. The commission has been constituted for the benefit of the whole community, not of a part or party, and it cannot be too constantly borne in mind that it is only by acting up to this principle in appearance as well as reality that public confidence can be secured, and the great object of the Commissioners be realized."

After laying down these creditable rules, what would the Commissioners say for not dismissing Mr. C. O'Connell? Who could appeal to such a body in expectation of justice? And yet, notwithstanding the proof of partial conduct which had been given, Mr. C. O'Connell still filled the same situation. The next flagrant case to which he would allude, was stated in papers which were now lying on their Lordships' table. It was the proceeding at the election of guardians in the Clonmel and Clare divisions. Mr. Butler had been appointed returning officer for the Clonmel division, and the liberal clerk of that district had circulated vast numbers of names, signed, he believed, by a Mr. Ronan, who recommended that out of that list, the poor law guardians should be put in nomination. It appeared, however, that at the meeting a person named Lawrence Davis, who was qualified to do so, had put in nomination two persons; but during the election, the name of Davis was withdrawn by somebody or other, as recommending those guardians, it being supposed that it was done because they were objectionable to the liberal party. The appointment of Mr. Butler, he must add, had taken place at the instance of Dr. Phelan, to whose character and conduct he had previously called their Lordships' attention. As to the election of poor law guardians in Dublin, nothing could exceed the violence which had been practised upon that occasion, and there existed the strongest reason to believe, that upwards of fifty of the voting papers had been forged. He should only trouble their Lordships with referring to one specimen of the spirit in which these elections were carried on. A Mr. Campbell, a gentleman of high respectability, was put in nomination. Opposed to him was a candidate of the name of M'Kenna. Pending the election a placard was issued in which this question was put to the electors: "Where was Campbell when the repeal of the Union was agitated? Was not M'Kenna at his post?" Hence it was evident that the character most in demand for a poor law guardian was that of a political agitator. In one of the unions of the county of Limerick, two individuals, one named Gaffney, the other Gubbins, were rival candidates. The election of the Protestant candidate was opposed with every species of violence and threat. The Roman Catholic electors were told that all Protestants were children of hell, and descended from Henry the 8th. In Youghal, five guardians were elected, all of whom had previously been nominated from the altar. In the county of Leitrim a case had attracted his particular attention, from having occurred in a parish near Carrick-on-Shannon, where he possessed some property. On the occasion of the election he called his tenants together, and advised them to elect such guardians as were solvent men, for if the guardians became defaulters, the inhabitants would be liable to pay the rate over again. He thought that one Roman Catholic ought to be elected; and he stated to his tenants, that he should not oppose the election of any respectable Roman Catholic whom they might wish to choose; but as he had so much property in the parish, he thought that his recommendation of another guardian ought to be accepted. The inhabitants of the parish all quitted him with the most perfect willingness to be guided by his advice, for they saw that it was just and rational, and he felt persuaded, that they would not have disregarded his suggestions, had they not been assailed by that sinister influence so prevalent in Ireland. The person whom he had proposed, on the next occasion of his meeting the priest of that parish, was accosted by him in these terms, "How dare you presume to let yourself be put in nomination without my consent?" This was followed by the most violent language. When the man went home, he found that his father's displeasure had been raised against him by the representations of the agitating party, and his father refused to let him enter his dwelling, till he gave a distinct and positive assurance that he would not allow himself to be put in nomination. He could mention twenty cases in the same county where the conduct of the priests at those occasions, had been the most outrageous that language could describe. There was one instance, however, in which their influence was equally indubitable, though their violence was not quite so conspicuous. A man had been put in nomination, against whom no objection was felt by either party, but he was not elected, the priest accounting for his rejection by saying to him, "Why did you not apply to me, and you should have been elected without difficulty?" Before he sat down he wished to call attention to the proximity of the poor-houses in some places. At French Park, in the county of Roscommon, or rather in its vicinity, there were three poor-houses within nine miles. It would be for the noble Marquess (Normanby) to make out the best case he could, but he professed himself much at a loss to imagine what that case could be. He moved, that a select Committee be appointed to inquire into the election of certain poor law guardians in Ireland.

The Marquess of *Normanby* had given notice, that whenever this motion came before their Lordships he should oppose it, still he hardly expected that the noble Marquess would have thought of coming forward with a case so weak and frivolous as that which the House had just heard. He was sure the House would pause before they agreed to such a proposition, upon statements so vague, and in all respects so unsatisfactory. He hoped that noble Lords would recollect, that a distinction ought to be drawn between decisions of the Poor-law Commissioners in England and the cases in Ireland, in which there had been no representations or remonstrances offered. He also hoped, that they would not forget the imputations thrown out, that a clause had been smuggled into the present bill, allowing persons belonging to different electoral divisions, to vote according to the scale on which their property had been rated in each. Now the clause in question, had been copied from the 81st clause of the original bill. The noble Marquess had said, that the Government had made certain appointments in compliance with a pressure from without, and a sort of undue influence which they dared not resist. That he begged to deny. With regard to Mr. Phelan, for instance, whom he believed to be a most respectable man, and by his qualifications and talents peculiarly fitted for his office, he was not appointed by the Government, nor in consequence of any force applied to the Government in any way; but the commissioners of their own free will, upon a due estimation of his abilities, appointed him. In fact, he could state, that the Government had refrained from even giving any recommendation of any person to any one of these appointments. Therefore, if the noble Marquess should succeed in carrying his motion, it would not be because it was necessary or desirable, but because it would take the form of a party motion. He believed, that there never was perhaps a more difficult and delicate task undertaken by any body of men, than that which had been performed by the Poor-law Commissioners for Ireland; nor could it have been executed with more zeal, ability, and, as far as the experiment had yet proceeded, with more success. He feared, that the noble Marquess hardly took sufficient pains to inform himself upon the matters which he ventured to bring under the notice of their Lordships, for he should be able to show presently, that the noble Marquess had omitted a most important fact, either from ignorance or from some other cause. The first complaint showed, that after all there was but little advanced to induce their Lordships to agree to this motion. The noble Marquess had brought forward that motion upon public grounds, and perhaps was not aware, that it was rather extraordinary, that the first complaint was against a gentleman who was employed in his own neighbourhood; and the case which the noble Marquess had made out with respect to that gentleman was, that he had made some unpleasing division of the property of the noble Marquess, though, as he (the Marquess of Normanby) had been informed, the property in the district could not otherwise be divided. [The Marquess of *Westmeath:* I did not say a single word with respect to my own property.] He had understood the noble Marquess to refer to Mullingar. He certainly did not specifically mention it, but it was involved in the inquiry which was made. He believed that the noble Marquess had shown no want of courtesy to the gentleman, or that there was any ground of complaint on the other side. But the property of the noble Marquess was not sufficient in itself in that district to make a division of itself, and it was there placed with that of some other gentlemen. If the noble Marquess was dissatisfied with that arrangement, he ought to have referred the case to the commissioners, rather than to have brought it in this shape under the notice of their Lordships. With regard to the remarks of the noble Marquess upon the interference of the Roman Catholic priests, it should be remembered, that for many years the priests had been the channels for the administration of the spontaneous charity of the benevolent; to them also the poor of that persuasion had been in the habit of going as their last resort. Therefore, it was not unnatural, that both the yeomanry and the peasantry, upon the introduction of a measure so entirely new to them, should appeal to the priests for information and advice; and he would tell the noble Marquess, that a more rigorous hand than his, would be required to wrench the people from the influence of the priests; and one reason why he was most anxious to press upon their Lordships the impolicy of agreeing to this motion was, that the effect of it would be to drive the priests to further interference. If there was any doubt upon their minds—if they were at all wavering as to what course they should pursue—he repeated, that the effect of agreeing to the motion of the noble Marquess, would be to induce the priests in their present position to resort to further interference. The office of guardian of the poor was not a desirable office; neither power nor popularity was attached to it; and if it had already been found difficult to get persons of that class which the noble Marquess would prefer to act as guardians, he felt assured, that it would be much more difficult to get such persons to become guardians hereafter. The case of Mr. Charles O'Connell had been much dwelt upon by the noble Marquess, and it was one about which he (the Marquess of Normanby) had written to Ireland, and he was therefore enabled to declare, that the noble Marquess had committed several mistakes in his relation of the facts. It was true that Mr. Macnamara had made some complaints against Mr. C. O'Connell, and as those complaints were written complaints, he thought their Lordships ought to have the papers before them before they granted a committee to inquire into the case. Mr. Macnamara was a respectable gentleman and brother of Mr. Macnamara, M. P. for the county of Clare, and the principal persons engaged in the transaction out of which the complaint had arisen, were persons of the same political party, being the two Members for the county of Clare, and he trusted very good friends. The origin of the affair was this:—Mr. Cornelius O'Brien, the other M. P. for Clare, had been rejected as an *ex officio* guardian by a partisan of Mr. Macnamara; and of the three accusations which were brought against Mr. C. O'Connell for his interference on that occasion, two were withdrawn; and, therefore, the noble Marquess had stated that which had never been brought under the notice of the commissioners.

The Marquess of *Westmeath:* The Poor-law Commissioners expressly stated in their letter, that they had found him guilty.

The Marquess of *Normanby* was coming to the second charge. The Poor-law Commissioners did censure Mr. C. O'Connell, and most properly, for having addressed the voters at the election of guardians. But it appeared, that though it was quite true he had addressed them in the chapel in which they were assembled, he did not do so in his capacity of returning-officer, as it was stated he had acted; the duties of his office having ceased, he ought to be considered as acting in his private capacity. The case of Mr. Falconer was one in which much indiscretion was manifested; but he was nevertheless a very respectable man. But, however respectable either he or Mr. C. O'Connell might be, he thought it was clear that there was no indisposition on the part of the commissioners to correct them when wrong. Indeed, the only cases which the noble Lord had made out with any degree of success, were those which had been properly taken up and censured by the commissioners. With reference to the Clonmel case, he must say that the noble Marquess had shown, either unpardonable negligence in collecting information, or most lamentable ignorance of the subject. He doubted not that the noble Marquess believed all he had stated, for he had exclaimed, "What possible course could these persons take except that of bringing their case before Parliament?" But would the noble Marquess have said that, if he had known that the very case of the election of guardians for Clonmel, was at that moment before the Court of Queen's Bench in Ireland, having been brought thither by a criminal information? The question was, whether Mr. Lawrence Davis had or had not signed a certain paper, and he there made an affidavit that he did not sign it; and if the question was not so far set at liberty for their Lordships to judge of it, that was because the prosecutor had required the case to be postponed until next term, which term was not yet arrived. But the noble Marquess desired that their Lordships should take this case and others out of the law courts, and decide upon it by a select committee. He could hardly think they would agree to any such proposition. With regard to the case of Mr. Butler, which was under the consideration of a court of law, if he had neglected his duty, if he had violated his instructions, he hoped he would be punished. But he trusted that their Lordships would not be induced by the noble Marquess to interpose their authority, and interfere with the courts of law. He doubted not that whatever committee might be appointed by their Lordships at any time, that committee would do its duty faithfully and fairly; but in the present state of the Poor-law in Ireland, much of its salutary operation and ultimate success would depend upon the authority and weight of the commissioners. It was the duty of their Lordships to pause before they consented to a motion for a select committee, to inquire into cases which had been dealt with by the Poor-law Commissioners, or which were under litigation, and, therefore, brought forward in that House before the proper time, besides others which it would appear were without foundation. Their Lordships, he trusted, would well consider the fearful evils which would result to that important measure, the Irish Poor-law, if they were to take the course proposed by the noble Marquess. It could not be denied that there were some incidents which were to be regretted. It was to be regretted, for instance, that a noble Lord opposite, feeling disposed to become a guardian of the poor, could not be elected, though in the midst of his own tenantry: but then he could not see how by any motion or proceeding of that House, the election of a noble Lord could be compelled. Upon all these grounds, he could not but earnestly implore their Lordships to give this motion a direct negative.

The Duke of *Wellington* said, the first part of the subject which had made an impression on his mind was the alteration made in the Act of Parliament. When that

Act was before their Lordships in the shape of a bill, and read a second time upon the motion of the noble Viscount opposite, he (the Duke of Wellington) stated that he for one had no objection to the amendments of the Irish Poor-law Bill, as stated by the noble Lord opposite, as he considered, from his statement of them, that all the amendments proposed were consistent with the enactments of the original Act of Parliament. That was stated on the 25th of February, upon the second reading of the bill; on the 26th the bill was considered in committee, and no amendments were made when it was committed; the report was made on the following day, the 27th; and the bill was read a third time on the 28th, on which day the amendments were introduced of which the noble Marquess had complained. Now, the noble Marquess had complained that that amendment was inconsistent with the original Act of Parliament. It certainly did appear on reading the clause that persons should not have the power of voting for Poor-law guardians without having paid the rates, which the original Act of Parliament required they should pay previous to their voting for the election to this office of guardian. He was aware that there was a doubt whether the 85th clause of the original Act did not govern the new clause introduced into the Amendment Act. He understood that there existed a great difference of opinion on that subject. He was sure that he heard a similar question argued in that House between his noble and learned Friend who sat behind him and the noble and learned Lord on the Woolsack, when the London and Westminster Metropolitan Police Bill was before the House, and it appeared at least doubtful whether or not a proviso in a former Act of Parliament governed the enacting clause in a subsequent Act of Parliament. The noble Marquess, however, who had just addressed their Lordships, admitted that there was a doubt on the question, and that doubt ought to be cleared up. All that he could say was, that he must beg leave to call to the recollection of their Lordships the part which he had taken when the Irish Poor-law Bill was brought into Parliament. He had certainly supported that measure, and had proposed many amendments in it, and he believed that the amendments which he had proposed, and had persuaded their Lordships to adopt, were the means of getting the measure through that House, and of obtaining for it the sanction of the other House of Parliament. He must say, therefore, that when he first heard of this amendment he did not consider himself very well used, because he had consented to a bill to amend the former act solely on the ground that no amendment was to be introduced inconsistent with the enactments of the former bill; and it certainly did happen that he was out of town, on his public duty, in another part of the country, in Hants, where he was her Majesty's lieutenant, for three days, on the 26th, 27th, and 28th of February, on which days this bill went into committee, was reported and read a third time, the amendment being made neither in the Committee nor on the report, but upon the third reading. He certainly must say this, that he was thoroughly convinced that the noble Lord ought not to have carried an amendment of this description, more particularly in his (the Duke of Wellington's) absence, if there was any doubt on the subject. He confessed that he had looked at this amendment with a good deal of suspicion. He had every reason to believe, when the Poor-law Bill was passed in 1838, that it would have been fairly carried into execution by the Poor-law commissioners, and that the plan pursued in this country would have been followed in Ireland; and further that when such sacrifices were made on the part of the proprietors of Ireland which they had manifested the intention to make, political partisanship would be kept out of the affair altogether, and that the law would be really administered for the benefit of the poor, and to promote the objects which Parliament had in view in adopting the measure. Now, he could not say that he was satisfied that that had been the case, and he confessed that he had looked at this particular measure with suspicion, because there was no doubt whatever that it did alter the complexion of the original measure; for the 85th clause of the act did not govern the new clause introduced into the Amendment Act. That, then, was one ground on which he should certainly be disposed to vote for the Committee proposed by the noble Marquess. With respect to another ground stated by the noble Marquess, he was perfectly aware that [those Acts of Parliament — namely, the Poor-law Act in England, and the Poor-law Act in Ireland—afforded great facilities for ascertaining all that passed in respect to the execution of the act between the commissioners and those who were employed under them in carrying the act into execution. The whole business was carried on in writing, and nothing could be so easy—as copies were required to be kept—as to procure copies of the correspondence which had taken place. Under these circumstances he must say, that whenever a case had to be inquired into, in which the conduct of the commissioners was involved, it was expedient that the House should, in the first instance, have before it the correspondence between the commissioners and the persons whose conduct was complained of, in order that the House might see exactly where the mischief lay. The circumstance, however, of a noble Lord, a Member of that House, not having been elected a guardian, was certainly not a matter for inquiry before a Committee of that House, unless some charge was meant to be brought against the commissioners for their conduct on that particular occasion, and he did not understand any such charge to have been made. He certainly thought it desirable that the inquiry should be limited to those papers before the House, on which the House could form its judgment with respect to that particular act of Parliament. He should think that it was so obvious that the clause in the Amendment Act did make a material alteration in the meaning of the original bill, that he should suggest to the noble Marquess the Secretary of State the propriety of introducing a bill to declare what the meaning of the act was and that it was not intended to alter the meaning of the original Act of Parliament. He should, therefore, suggest the convenience of postponing the debate for a certain time, in order that time might be given to inquire if there were any papers which might be produced, and also to give the noble Lord an opportunity of bringing in a declaratory bill.

Viscount *Duncannon* said, that as far as he recollected, it was stated to him that there were some reasons why the amendment Bill should pass before a certain time. He recollected perfectly well that he objected at the time when the bill was introduced to move any amendment which would make an alteration in the original bill. The Gentleman who drew the bill stated to him that the amendment which he then proposed was absolutely necessary to carry the objects of the bill into effect; but he had assured him that it would make no alteration whatever with respect to the governing clause in the other bill. He could assure the noble Duke that it was only upon that ground that he had introduced the bill.

The *Lord Chancellor* remarked, that by the 81st clause in the original act the number of votes was made to depend on the quantity of property which a person had in an union. A difficulty was occasioned by these words, as it did not explain what number of votes he would have in each electoral division. The amendment subsequently made was to remove that difficulty. That was the whole object of the clause, and he had no doubt that was the whole effect of it. The clause spoke of the election as to take place under the provisions of the former act, and the 85th clause of that act provided that no person should vote unless he had paid rates for six months.

The Earl of *Wicklow* thought there could be no doubt that the two clauses, the 81st of the original bill and the clause which had been alluded to of the bill of last Session, were precisely the same. But with regard to the 85th, which was the protective clause of the original bill, he feared that the interpretation that would be put on the clause of the bill of last Session would be, that it went to repeal the 85th clause of the original Act. He agreed with the noble Duke (Wellington), that if there were not some satisfactory statement made by the Government, it might be necessary to go into committee, in order to ascertain the meaning of the clauses; but he hoped that would be avoided, and, if they could obtain such a statement, he trusted that his noble Friend (the Marquess of Westmeath) would not press his motion to a division. He knew nothing that was likely to be more prejudicial to the well working of the Poor-law Act in Ireland, than the appointment of a committee such as that proposed. If such an inquiry were entered into now, before the measure was in full operation, it would lead the people of Ireland to suppose that it was intended by their Lordships to make some radical change in the measure itself. He, for one, should deeply regret that such an impression should go forth, and, therefore, without very strong grounds being shown, he could not agree to the appointment of a committee. He hoped the Government would make an inquiry upon the subject, as to the effect of the clause of the bill of last year, and, if they found that there was not sufficient protection, that they would bring in a declaratory act. He thought, also, if such an act should be found necessary, there were other alterations which might be effected at the same time. At present, it was not imposed upon the returning officer to allow a scrutiny in the case of a disputed election. He knew a case in which a scrutiny had been demanded, and was refused by the returning officer. The party then appealed to the commissioners at Dublin, and their answer was, that the officer had acted perfectly right, and that the Act of Parliament did not require that he should give any satisfaction to the party complaining. If they were to have the principle of popular election, it ought not to be left to the returning officer to declare who was elected, without giving the unsuccessful party the right of scrutinizing the votes. He was aware that it was true, as his noble Friend had stated, that improper persons had, in some cases, been appointed as returning officers. He did not mean this as a charge against the commissioners; but he thought they ought to guard against the impression going abroad, that the election depended upon the will of the returning officer. Another matter that required amendment was this:—In the bill it was provided that a certain number of magistrates should act as *ex officio* guardians. Now there were instances of *ex officio* guardians being also elected by the rate-payers as guardians. The consequence of this was, that that balance of power which was intended by the Legislature to be given when they provided for the election of *ex officio* guardians was to a certain extent lost. No doubt some strong facts had been brought forward by his noble Friend (the Marquess of Westmeath) in moving for this committee; but he thought those facts would scarcely justify the inquiry proposed. There was no occasion for a committee to ascertain that the priests in Ireland exercised a most undue influence in the election for guardians. But the same complaint of improper influence on the part of the priests existed with regard to the election for Members of Parliament. That was an evil, he might almost say, inherent in the state of society in Ireland, and which time alone could cure. The people would, he trusted, ere long, rely on their own judgment; but he was quite confident the appointment of the committee his noble Friend proposed would not have the effect of establishing any plan that would be successful in removing the evil. He had had some experience in the conduct of the commissioners, and so far as that experience went, he was bound to bear his testimony to the highly satisfactory manner in which, as far as they were concerned, the bill had been carried out. He had seen the instruction that had been given by them to their sub-commissioners, and in which they were directed to pay especial attention to the wishes of the landlords and the proprietors of the soil. He hoped his noble Friend would not persevere in his motion; if he did, he could not support him.

The Marquess of *Normanby* had not the least objection to state that, if there were any doubt as to the construction of the clause of the act of the last Session that had been alluded to, he should be willing to bring in a declaratory bill to set that doubt at rest.

The Earl of *Glengall* remarked that, if the facts of the case had been accurately stated, and he had no doubt they had, by his noble Friend, he saw no reason why their Lordships should not enter upon the investigation proposed. No one could deny that many irregularities had taken place in the election of guardians under the Irish Poor-law Bill. He thought that the Clonmel case, which had been brought forward by his noble Friend who originated the motion, was of itself a sufficient reason for appointing the committee. But there was much more in this matter of the election of guardians than at first met the eye. The valuator was chosen by the guardians, who might be improperly returned; and in the hands of the valuator rested, in a great measure, the Parliamentary franchise, as he had the valuing of the property out of which that franchise arose. The *primâ facie* case was such as made out clearly the necessity for an inquiry into it by their Lordships. Mr. Butler, it appeared, had elected the Poor-law guardians, and to return the favour the Poor-law guardians elected Mr. Butler, their nominator, as the valuator of the town. The Poor-law commissioners, however, defeated their object, and refused their acquiescence in this appointment. The Poor-law guardians, determined in one way or other to repay the compliment conferred, proceeded to another election; and who did their Lordships think they returned as valuator of the town? Why, Mr. Butler's own nephew! These were facts which he knew he could prove at the bar of the House; and he, therefore, thought a case for inquiry was fully made out.

The Marquess of *Londonderry* thought that the contradictions which the noble Marquess opposite had given to the speeches of the noble Lords on his side of the House, and the contradictions which they had in turn given to the speech of the noble Marquess, were sufficient causes for an inquiry into this subject by a committee. In the north of Ireland, and especially in that part of it with which he was most particularly connected, Mr. Gunstone, a gentleman of the most exemplary character, had gained universal approbation by his conduct as Poor-law Commissioner. In the south of Ireland, however, the case, he understood, was very different. If one of the cases stated by his noble Friend near him (the Marquess of Westmeath) were correct, the necessity for inquiry was apparent. The noble Marquess on the opposite side had said, that the statement of his noble Friend who opened the debate was a very weak one. Now, he would tell the noble Marquess that his reply to it was still weaker. His speech was mere milk and water. It was perfectly insipid. He was not suprised that the noble Marquess was not fond of having committees appointed to examine into the state of affairs in Ireland. They had not been quite so satisfactory to the noble Marquess as they had been to the country at large. The country at large was convinced, that great good had been accomplished by the committees already appointed to inquire into the state of Ireland.

The Duke of *Wellington* in explanation, said, there was only one case, that of Mr. Butler, of which the papers were now before the House. He knew nothing of the case of Charles O'Connell. He also begged leave to submit to their Lordships, that the case of Mr. Butler was at present under inquiry in the courts at Dublin. With respect to the propriety of altering the act as had been suggested, the noble Marquess had declared his readiness to inquire into that point, and to bring in a declaratory act, if the present act were ambiguous or insufficient for the objects for which it was intended. It might be necessary to have all these cases inquired into; but let us have all the papers first, and if we find that either the commissioners or any other parties are to blame, then, but not till then, it may be proper to institute further inquiries.

The Earl of *Fingall* said, that no man could have acted more fairly and uprightly than Dr. Phelan. He had obtained his situation as assistant-commissioner, in consequence of a book which he had written on the medical charities of Ireland. He believed that no good, but that considerable harm, would arise from any inquiry at present into the operation of the Poor-laws in Ireland. The noble Marquess, who brought forward the motion, had spoken much of the exertions and of the influence of the Roman Catholic clergy in Ireland. It was impossible to deny the existence of such exertions and of such influence. But then such exertions and such influence were not confined to the Roman Catholic clergy exclusively. They were exercised without restriction on the other side also. The fact was, that in Ireland every man was a partisan, and that in that country a struggle was now going on, which, as long as it lasted, must produce such exertions and such influence. He was aware of one union, the Union of Kells, where all the *ex-officio* guardians appointed were Protestants. In thirteen districts included in that union, there had been no contest showing the good feeling which prevailed, and of thirty-two elected guardians, seventeen were Roman Catholics; not, he thought, an unfair proportion.

The Marquess of *Headfort* defended the conduct of the Catholic priests. He held in his hand a paper relative to the union of Ballyborough, in the county of Cavan, from which it appeared that the electors, being Catholics, had elected Protestants as guardians. He was convinced that this motion, if granted, would produce great mischief in Ireland.

The Marquess of *Westmeath* in consequence of the suggestion of the noble Duke, was not desirous to persist in his motion; on the contrary, he would postpone it till further information was laid on the table. He declared that he was not actuated by party motives in bringing this subject forward. If he did not receive a more satisfactory answer than he had done that evening, he would proceed with his motion after the Easter recess.

Motion withdrawn.

HOUSE OF COMMONS,

Monday, *April* 13, 1840.

MINUTES.] Bills. Read a first time:—Metropolitan Police Courts; Grand Jury Cess (Ireland).—Read a second time:—Insolvent Debtors (Ireland); Poddle River; Vaccination.

Petitions presented. By Sir S. Lushington, Messrs. Villiers, Brotherton, Wakley, and Hume, from a number of places, for, and by Lord Ingestrie, from one place, against the Repeal of the Corn-laws.—By Mr. Brotherton, Mr. H. Berkeley, and Mr. Hume, from several places, against, and by Sir R. H. Inglis, Lord Sandon, Sir R. Peel, Mr. Wakley, Mr. Darby, Mr. Chapman, Mr. Gordon, and Captain Alsager, from a great number of places, for, Church Extension.—By Major Macnamara, Mr. Villiers, and Mr. Hume, from three places, for Universal Suffrage, Annual Parliaments, and Vote by Baliot.—By Sir S. Lushington, from five places, against the Opium Trade; from Chelsea, against Sunday Trading; from the Tower Hamlets, against portions of the New Poor-law.—By Mr. Archbold, from Carlow, against the Importation of Foreign Flour into Ireland.—By Mr. L. Bruges, Mr. Goulburn, Mr. Pakington, Sir W. Follett, and Mr. Pemberton, from a number of places, against the Clergy Reserves Bill.—By Sir R. Peel, and Lord Castlereagh, from three places, in favour of Non-Intrusion.—By Mr. E. Tennent, from several places, in favour of Non-Intrusion.—By Sir Eardley Wilmot, from Thame, in favour of the Grammar School Bill.—By Mr. Callaghan, from the Medical Practitioners of Cork, for Medical Reform.—By Mr. Wakley, from the Working Men of London, for the Release of Lovett and Collins.

LUDLOW ELECTION.] Mr. *A. Sanford* appeared at the bar and stated, that he was directed by the Select Committee appointed to try and determine the merits of a petition complaining of an undue return for the borough of Ludlow at the last election, to report that the Committee had determined that Mr. Alcock was not duly elected a burgess for the said borough, that the last election was a void election, and that neither the petition against the return, nor the opposition thereto, was frivolous or vexatious. He was further directed to state that the Select Committee had come to the following resolutions:—

> "That it appears to the committee that Mr. Alcock and Mr. H. Clive were, by their agents, guilty of bribery and treating at the last election for the borough of Ludlow, and that a general system of treating prevailed previous to and during the last election for the said borough."

Mr. *R. Clive* said, that as the word "agents" was used in the resolutions in reference to bribery practised during the last election for Ludlow, at which his hon. relative was a candidate, he wished to ask his hon. Friend the Member for West Somersetshire whether the Committee intended to imply that any hon. Member of that House was concerned in the transaction.

Mr. *A. Sanford* was sure his hon. Friend would excuse him for not answering the question. Though Chairman of that Committee, he could, if he were now to reply to the question, give only his individual opinion; and his hon. Friend must be aware that he should be transgressing the orders and rules which a Chairman of a Committee ought to lay down for his guidance, if he were to give an opinion as to the grounds on which the Committee had come to their resolution.

Viscount *Sandon* thought he might be allowed to satisfy the natural anxiety of the hon. Gentleman. He could appeal to every Member of the Committee to confirm his statement, that the conclusion as to bribery come to by the Committee rested on a few cases—one on each side—and in neither of those cases was a Member of that House implicated. It perhaps, would have been better for the Committee before breaking up, to have come to some resolution as to the grounds on which they founded their report; but he appealed to every Member of the Committee as to the correctness of the statement he had just made.

Mr. *Wakley* expected a great deal more information than had been conveyed in the answer of the noble Lord, and he was much surprised that the Chairman of the Committee had not moved that the evidence be printed. If a report of this nature were allowed to lie on the Table, as if it were a mere matter of ordinary and common occurrence, a degree of disgrace would be reflected on the character of the House which scarcely any future proceedings could remove. Was it possible that in this Reformed House no more should be heard of so extensive a system of bribery and treating, which was calculated to corrupt to the very vitals the system of representation? He should move, and he expected no opposition to the motion, that the evidence taken before the Committee be printed with a view to the suspension of the issue of the writ to a future period.

Mr. *Holmes* begged leave to second the motion of the hon. Member, and he would state the reason why he did so. In the Ludlow Committee, the speech of counsel in opening the case of the returned Member was of a most extraordinary character, and it was attempted to be supported by the evidence of an individual, of which he was quite certain the Members of the

Committee did not believe one word; at least, if they had done so, they would have been bound to make a special report. The cross-examination of the individual whose testimony alone applied to him (Mr. Holmes) convinced every Member of the Committee, he believed, of the intentional perjury of that man. He trusted the House would accede to the motion for the printing of the whole of the evidence.

Mr. *A. Sanford* rose to exculpate the Committee from the charge, that they had any desire that the evidence should not go before the country. Such was by no means the case; but, as Chairman of the Committee, having received no instructions to move that the evidence be printed, it seemed to him to be his duty merely to present the report, leaving the House to deal with it as justice should dictate.

Lord *J. Russell* said, that his hon. Friend the Member for West Somersetshire had very properly discharged his duty as chairman of the Committee, and he trusted it would not be inferred from what had fallen from the hon. Member for Finsbury that the House was ready, now that the report was made, to issue a new writ as a matter of course. He conceived that the House would wait for some time until an opportunity was afforded of properly considering the evidence. He presumed that, under the circumstances, a motion for a new writ would not be made without notice, and if it were he should certainly feel it his duty to oppose it.

Evidence reported, and ordered to be printed.

Mr. *Wakley* moved that the issue of the writ for a new election at Ludlow be suspended until the 1st of June next. [" No, no."] He thought the matter of so much importance to the character of the House, that some proceeding ought to be adopted to mark the sense of the House on the subject.

Lord *J. Russell* thought the hon. Member's motion premature. It might be concluded that no hon. Member would move the issue of a new writ without notice, and until the evidence was printed.

Mr. *Goulburn* concurred with the noble Lord. It appeared that the Committee had only reported that a general system of treating had prevailed, and, therefore, it might be inferred that a general system of bribery did not prevail. It would not be proper on the mere statement of an individual Member to suspend the issue of the writ. He agreed with the noble Lord that with respect to a motion for issuing the writ, notice should be given.

Mr. *Hume* said, that the hon. Member for Finsbury moved the suspension of the writ, not on his own mere statement, but on the report of the Committee. It was not possible that any hon. Member could read the evidence and form an opinion on it before the 1st of June.

Motion withdrawn.

CANADA—CLERGY RESERVES.] Mr. *Pakington* said, that considerable misapprehension having arisen respecting what had passed in another place with regard to the Canada Clergy Reserves Bill, he wished to remind the noble Lord that he had admitted the other night that the bill was illegal, so far as it repealed the 7th and 8th George 4th, and he wished to ask the noble Lord whether what was represented to have been stated in another place had actually been stated—namely, that the bill was illegal, and that in consequence of that illegality the bill was so far invalid that no consent of the Crown could make it valid?

Lord *J. Russell* said, that what he had stated before was, that after the lapse of the thirty days and an additional period, in consequence of doubts which had been entertained respecting the vacation, he should consult the Law Officers of the Crown and take their opinion before he advised the Crown on the subject. To that statement he adhered. It had, he believed, been stated in another place, that on the supposition that the judges gave certain answers to certain questions which were to be proposed to them, it would be impossible for the advisers of the Crown to recommend that the Royal Assent should be given to the bill. But that must depend upon what the judges might answer, and was quite a different question from this.

Mr. *Pakington* said, his question was, whether the bill being admitted to be illegal so far as it repealed the 7th and 8th George 4th, that, in the opinion of the Government, disabled the Crown from giving the Royal Assent.

Lord *J. Russell* said, what he had stated the other night was, that the bill went to repeal a clause of the Act of the 7th and 8th George 4th, and that it could so far have no legal effect unless it were confirmed by Act of Parliament. What he now stated was, that after the judges should have answered the questions to be put to them, he should have to consult the Law Officers and the Lord Chancellor.

Sir *R. Peel*: I think that I can answer the question on the part of her Majesty's Government more satisfactorily than the noble Lord. I was in another place, which I must not name, the other night, and I heard from the highest authority that if the bill was in any part illegal, that would invalidate the whole.

Lord *J. Russell* said, he should not advise the assent of the Crown until after he had taken the opinion of Parliament on a bill which he should bring in. This was a very material question, and there should be no omission on his part to make the settlement of it such as should be satisfactory to the colonies and to Parliament.

Subject at an end.

BILL TO AUTHORISE PUBLICATION.] Lord *John Russell* moved the order of the day, that the Lords' amendments to the Printed Papers Bill be considered. The noble Lord said, that the bill as it then stood, as returned from the House of Lords, contained all the former part of the preamble which it contained when it left the House of Commons. It, therefore, began by stating that

> "It is essential to the due and effectual exercise and discharge of the functions and duties of Parliament, and to the promotion of wise legislation, that no obstructions or impediments should exist to the publication of such of the reports, papers, votes, or proceedings of either House of Parliament as such House of Parliament may deem fit or necessary to be published."

The bill, therefore, as sent down from the other House, began by the assertion, by both Houses of Parliament, of that great principle, that in order to the due discharge of their legislative functions, they must have the power of publishing such reports of their proceedings as they might see fit. The House of Lords, in the amendments which they had introduced, had not in any degree varied the object of the bill, or the general mode of proceeding; but they had varied it in this respect, that instead of the certificate going from the Speaker of that or the other House of Parliament to the clerk or officer of the court, it should go before the judge in court; and the bill went on to enact, that thereupon the judge should order proceedings to be stayed. Thus, therefore, the alteration merely was, that instead of the certificate going before an inferior officer, it should go before the judge himself, leaving, however, no discretion to the judge. He thought that any judge, having that act of Parliament before him, would consider that those words were conclusive and binding upon him to put a stop to such action. He had understood that the reason of this amendment was, that it would be thought a proceeding rather derogatory and discourteous to the judges of Westminster-hall to order the certificate to go forth to an inferior officer. He would not suppose that, having the act of Parliament before them, the judges would endeavour, by any captious objections, to defeat that which was the evident object of the Legislature. Therefore, until some case should arise, demonstrating such an intention, he would rather leave the bill as it then was. He thought the mode proposed by the House of Lords was as satisfactory and sufficient as the mode adopted by that House. He should, therefore, propose to agree to the amendments of the House of Lords in that respect. The clause with respect to actions now pending had been left out of the bill; and therefore, in the actions that had been commenced against the sergeant-at-arms, he would plead. His own opinion was, that it would have been well that the action should have been stopped, but he did not think it was necessary to insist upon the clause. The only objection he had to the amendment made by the House of Lords was with respect to the notice; and, without offering any opinion of his own, he would leave it to the House to deal with the amendments in that respect as they thought right. The other clause was with regard to extracts, to which he saw no objection. As that part of the bill with respect to actions now pending had been left out, of course it followed that the preamble referring to those actions had likewise been omitted. Such being the alterations made by the Lords, and, as he understood, several others having been proposed but rejected, he confessed it appeared to him on the whole that the other House of Parliament had been willing to concur in the general principle and in the enactments of the bill, and the Lords had been unwilling to introduce any thing into the bill that might lead to any serious difference of opinion between the two Houses of Parliament. He thought the bill would have the effect of maintaining, in an easy and practicable way, the power of publication, for which they had always contended. It was with great satisfaction he found that upon a question of this kind, means could be found of defending the privileges of that House without resorting to those measures, which, however justifiable on the part of the House, in order to maintain those privileges which they thought necessary, were at least exceedingly painful to those who had to insist upon them. Undoubtedly the question as to the attempts of courts of law to interfere with the other privileges of that House was entirely left open; and if he was persuaded that it was clearly the deliberate intention of the courts of law to fritter away, or to dispute, or to undermine, the necessary privileges of that House, he should certainly have some hesitation as to the expediency of agreeing to any act of Parliament on this subject. But he did not believe that any such intention had existed. He believed that the feelings of the judges was, that this was a point that had never been decided; that it was open to them to decide it; and, on their conscientious examination of all the authorities on the subject, they came to an opinion which great legal authorities in that House declared to be contrary to law, and which all the leading Members of the House considered to be contrary to its privileges, and which he believed the great body of the public considered to be inconsistent with the power to communicate information, which the people ought to receive respecting the proceedings of Parliament. He did not believe that decision to be grounded upon any wilful intention of the judges to diminish or destroy the privileges of the House of Commons, but, upon their conscientious opinion, they were doing their duty, as the judges of the land. Believing that to be their real and *bona fide* intention, he had no apprehensions that the judges would think it their duty on future occasions to question or dispute the privileges of the House; but if that should prove to be the case, he should be found ready, together with other Members, to maintain all the privileges necessary to the due performance of the functions of that House. He would be among the first to defend, and he hoped the last to abandon, the cause of the privileges of the Commons of England. The noble Lord moved the second reading of the amendments.

The *Solicitor-General* had attentively considered the amendments, as they were called, which had been made in the bill, and it appeared right to him to call the attention of the House to their effects. He thought it would be inconvenient to again agitate, in that House, a question which had been already decided, that is, the propriety or impropriety of passing the bill as it went up to the House of Lords. But this he would say, that the bill, as it had come back, appeared to him tenfold more objectionable than it was on leaving that House; that every objection that before could be urged had been carried to the extreme, doing that which was professed to be disclaimed. If there had been but one privilege at stake in making that avowal, there might have been some reason in making it; but it appeared to him that such an avowal, under circumstances in which it was made, might lead to great embarrassment, and possibly great difficulty, on future occasions. The wisdom of taking care not by any present step to produce that future embarrassment, he should have thought had been made pretty distinctly apparent. When measures were proposed to be taken in the former cause, it was suggested that those measures would lead to an apprehension that the House intended to submit its privileges to the decision of the courts of law. That intention was distinctly disclaimed, and the proposed course was taken. Contrary, however, to all expectation, the court decided against the privileges of the House. The House then found itself extremely embarrassed by the course that had been taken, and the effect of which had been pointed out at the time it was adopted. That embarrassment had followed the House up to the present moment. He thought, therefore, that the House had had a pretty distinct and severe caution as to the necessity of taking care by no present step, by no attempt to avoid a momentary and temporary difficulty, to lay the foundation for future embarrassments and difficulties in maintaining its privileges. The bill having been brought in after the decision of the Court of Queen's Bench—a decision inconsistent, he would venture to say, with a higher stream of authority than any to which a judicial bench had ever before opposed itself—the bill being so brought in, and passing the judgment of the court wholly by, without any expression of opinion by Parliament, it was thought by some, and by himself amongst others, that it would be taken to be an acquiescence in the judgment of the court, and that nothing could prevent such an inference being drawn at a future day, whilst, at the same time, the bill did not appear calculated to release the House from the difficulty from which it ought to escape. The bill, however, passed the House of Commons, and was sent up to the House of Lords. It was now returned: and he begged to call the attention of the House to the effect of the amendment, that had been introduced into it as applied to the jurisdiction of the courts of law, which, if once established in cases of that kind, the House of Commons would for ever lose its place in the constitution. The Court of Queen's Bench laid down, not only that the House of Commons had not the privilege of printing, but that the court (and with it all the other courts in the kingdom) had a right to review every privilege which the House of Commons claimed. After such a judgment, it behoved that House to be extremely careful as to how it proceeded. But, independent of the judgment to which he had referred, it was to be remembered that when the sheriffs were brought up upon *habeas corpus* before the Court of Queen's Bench, language was used by the judges which, fairly and candidly considered, could not be interpreted otherwise than as bringing into doubt the power of the House to commit—a power which had stood undisputed by any judge for many years past, but which could not now be considered as standing upon the same ground on which it did before these recent transactions. He repeated, therefore, that it behoved the House to be exceedingly cautious how it proceeded. He (the Solicitor-general) was disposed to pay every possible respect to the courts at Westminster-hall. With respect to the Court of Queen's Bench, no man could have received more kindness or greater courtesy from every one of its judges than he had done. For the character and learning of the Lord Chief Justice he had the highest respect and esteem—he had also a personal regard for that noble and learned Lord, which would lead him to be the last man in the world to do anything that could disparage him. But he was not prepared to compliment the courts of law at the expense of the people of England, nor to the detriment of the authority of Parliament. That matter should be put into a bill to compliment the Court of Queen's Bench, because Parliament thought fit to take measures to stay proceedings in certain actions, was a thing unheard of; that any court in the kingdom should demand a sort of apology from the Legislature, because it thought fit to adopt such a course of proceeding, was also a thing unheard of. Such a principle had never yet been dreamed of; and, although he could not believe that any one had introduced this amendment with the view of offering an affront to the House of Commons, and gaining a triumph over it, he must say, that if such an intention had been entertained, a better mode of effecting it could not have been adopted. What would be the effect of the amendment? In the bill sent up to the House of Lords, proceedings in certain actions were to be stayed—not by the authority of the House of Commons, not by the authority of the House of Lords, but by the authority of the Act of Parliament, upon certain documents being lodged. Was a precedent wanted for such a course? By no means. It had been adopted on repeated occasions when it was found necessary to pass acts of indemnity. In what form had it been done? Why, by declaring that all actions should be discharged and made void by virtue of the act. No judge was asked to interpose to stay the proceedings. No court was called upon to make any order. No notice was required to be given to any of the parties who, it might be admitted, had suffered contrary to law, but who had suffered for the public good. Even in the Revenue Act, as late as the 26th Geo. 3rd, the same thing was done, and also in the Act for arranging the Prince of Wales's debts. Why, then, upon the present occasion, were the courts to be called upon to interfere? Were they to have any discretion? If they were not, and he heard the noble Lord (Lord J. Russell) say, "no"—if they were not, for what reason but to affront the House of Commons, could it be asked that they should interfere? He maintained that such an unusual and unnecessary course of proceeding could not in any way be justified. But his main objection to the amendment was one of a stronger character. The House of Commons had denied (and he ventured to say upon as sound principles of law as could be stated) that the Court of Queen's Bench had any jurisdiction in this matter. Yet by the bill, as it now stood, the House would be appealing to the court to interfere in this very action. The House having denied the jurisdiction of the court on the one hand, and the court, on the other, having solemnly declared that it had a jurisdiction—after exercising that jurisdiction, and going as far as it could to overrule the privileges of the House, the House, by the operation of this bill, as it was now amended, would be compelled, having many precedents to the contrary, to go to the court to ask it to stay proceedings. This was carrying the mischief, which he thought belonged to the bill as it originally stood, infinitely further. He knew of no ground upon which such an amendment could be justified. Great as was his respect for the courts of Westminster-hall, he could not consent to pay them a compliment at the expense of an insult to the House of Commons. He believed that this amendment, if admitted, would lay the foundation for future arguments in support of the jurisdiction of the courts, the effect of which would be extremely mischievous. He objected, therefore, in principle to that amendment. The bill, since it left that House, had been altered in such a manner as to induce him to believe, that it had fallen into the hands of some person not quite familiar with such proceedings. One of the amendments struck him as being of a very extraordinary character. In consequence of the inconvenience which was found from proceedings in causes being limited to the judges of the court in which those proceedings were instituted, an act of Parliament was passed some years ago, allowing the whole of the fifteen judges to act in any causes pending in any of the courts of Westminster-hall. For what reason he could not tell, the present bill was so altered as to compel the parties to go, not to any of the judges of any of the superior courts, but to the judge of the particular court in which the action was brought. What would be the effect of this alteration? Chief Justice Tindal, who presided in the Court of Common Pleas, had been the only judge remaining in town during the recent assizes. An action, therefore, might have been brought in the Court of Queen's Bench, and judgment might have been obtained before a judge could have been found to stay proceedings; and so, during any long vacation, or between Hilary Term and Easter Term, it would be in the power of any party to bring an action, and to proceed to judgment, unless at least one judge of each of the superior courts remained in town. But observe, this was only in the case of actions brought against the officers of the House, for as applied to all other persons, the law, as it originally stood, remained unchanged. He apprehended, that the exception to the disadvantage of the officers of the House could not be allowed to stand part of the bill, and that the words "or before any judge of the same" must be struck out. His objection to the words was, that they were unnecessary, that they tended to public inconvenience, and might destroy the object of the whole bill. In the next place he objected to the twenty-four hours notice. What necessity was there for such a length of notice? When it was contrasted with the omission of any notice in actions brought against persons not acting under the order of the House, it became the more remarkable. Twenty-four hours' notice were to be given to the plaintiff. But, suppose the plaintiff sued by attorney, how then was the notice to be served? Was it to be personal notice, or was it to be notice at the plaintiff's house? The bill did not declare which. Ambiguities of this kind ought not to exist. Hon. Members who passed bills upon the expectation, that by mere words they could secure an object when there was a disposition against it, were likely to find themselves grievously mistaken. He never found words so distinct and so positive as to enable him to be quite sure that another person would not attribute to them a different meaning. He referred to a case on a former occasion, which his hon. and learned Friend had combated with his usual dexterity, but which he maintained was directly in point. By the act of Parliament relating to contested elections, it was declared, that the Speaker's certificate should operate as a warrant of attorney, and that the court should give judgment accordingly. The words were as positive as words could be. The court was asked to give judgment upon a certificate regularly attested. What did the court do? They said, "As the court is asked to give effect to this certificate of the Speaker's, we must look to see that it is a certificate warranted by the act of Parliament." The act directed that the certificate of the Speaker should be conclusive, and that the court should give judgment, but the court said, "We are asked to give effect to this certificate; but before we do so we must look to see that it is in conformity with the principles of justice," and they ultimately refused to give judgment. Yet the words of the act requiring them to do so were as distinct as words could be. The court, however, refused to yield obedience to them, and before it gave judgment, insisted on seeing how far the committee had been properly constituted, and because the committee was not properly constituted, it refused to give effect to the mandatory words of the certificate. In the same way fifty reasons might be found to give the court a loophole to escape from the binding effect of the words contained in the present bill. He had no want of confidence in the present judges further than this—that he never would confide to the judges the decision of that which by law they were not entitled to decide. Although he respected the judges as much as any man, yet when he found that they had come to a conclusion in which they declared, that the claim of privilege as set forth by the House was monstrous, a tyranny under which no Englishman ought to live, and when he found, that the claim so designated by the judges was stated by both Houses of Parliament to be absolutely necessary to the due discharge of their functions, he thought that the infirmity of human judgment was such, that giving credit for all integrity of purpose to the judges, it became absolutely essential that the Legislature should adopt some measure which would place its intentions and its views entirely out of doubt. But the constitution of this country was not framed under the supposition that it would be executed by honest judges: it was framed to protect the country against dishonest judges. He did not for one moment intend to include within the meaning of the latter phrase any one of the learned personages who now occupied the judicial bench; but he maintained that for the House to legislate on the principle of confidence in the present judges, and to withdraw from the public any portion of the protection which consisted in the House having the power to defend and uphold its own principles—inferring that all future judges would be like those who now occupied the bench—was to legislate upon very imperfect, and he thought upon very unwise grounds. It was incumbent upon the House to protect the Commons of England against the possibility of dishonesty—against the possibility of mistake on the part of any of the judges. He hoped that the day when such a possibility might occur would never arrive; but the guards and protections of the constitution were not made for mere parade in fair weather, but to protect the people in troubled times against the power of the Crown, the power of the Lords, and the improper exercise of power on the part of the courts of justice. He thought that the House would be weakening its privileges and sanctioning a jurisdiction in the courts of law that might operate most mischievously if it assented to the amendments made in this bill by the House of Lords. Some of them to which he had not yet referred had excited his surprise. In the first place it was said, "It is monstrous that the House of Commons should have the power of publishing libels; they never can have occasion for it: the power, therefore, is most mischievous, and ought not to be tolerated." Yet he found amendments introduced into the bill not to limit the publications of the House, but to extend them universally. A great difficulty had arisen as to giving a summary remedy to the officers of the House; but no such difficulty arose as to giving a summary remedy to every one else? How was this done? The clause introduced by the Lords upon this point, if the House of Commons should think fit to adopt it, would certainly require some amendment if it was to be of any value, for he had seldom seen one so carelessly drawn. It said:—

"And be it enacted, that in case of any civil or criminal proceeding hereafter to be commenced or prosecuted, for or on account or in respect of the publication of any copy of such report, paper, votes or proceedings, it shall be lawful for the defendant or defendants, at any stage of the proceedings, to lay before the court or judge such report, paper, or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy, and the court or judge shall immediately stay such civil or criminal proceedings, and the name and every writ or process issued therein, shall be, and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this act."

How was the defendant to do this? The prosecutor possessed the copy—how was the defendant to obtain it? The prosecutor, when he commenced proceedings against the defendant, of course took great care to retain possession of his copy, in order to produce it in evidence in support of his case? How, then, was the defendant to obtain it? What provision was there for him to obtain it? He knew of none. He was at a loss, also, to know what was meant when it was said that the defendant was to produce the report. Was it meant that he was to produce the printed report or the manuscript report? He was called upon to produce something, but there was no intelligible explanation as to what that something was to be. He thought that a defendant would find some difficulty in availing himself of the benefit of a clause so strangely constructed. Then the defendant was to verify, by affidavit, the copy that had been published; but how the defendant was to get the copy and examine it he was at a loss to know. Again, as to the staying of the proceedings, how was that to be effected? Suppose a man were to be indicted at the Surrey assizes for the publication of a report. The assizes were held under a commission, and as soon as the assizes were over the commission was dissolved, and no court remained. He did not believe that any judge of assize would interfere to stay proceedings after the dissolution of the commission; he doubted, indeed, whether, at such a time, the judge would have any jurisdiction at all. It was plain, then, that a defendant could obtain no benefit under this clause, except in places where the sittings of the judge were permanent. He came next to consider how the bill would operate as applied to publications made without the authority of Parliament. When the House published a report, either respecting grievances, or anything else, they were well assured that their officer would publish only in the ordinary way, and without the view of injuring any person mentioned in the report. But if a person obtained a copy of the report, and went into the immediate neighbourhood of a party whose conduct might be impugned, and hawked it about for sale with a loud and noisy proclamation of the particular passages referring to this individual, was such a person to be justified? By the bill, as it now stood, the House lost all power of stopping the publication of anything it might desire not to become public. As an instance of the inconvenience that might result from this, he might mention that a libel, and a very gross one, against the Chief Justice of the Common Pleas was presented to that House, in the shape of a petition, towards the close of the last session of Parliament. Whether it was published or not he could not undertake to state; but he would venture to say that it never was sold. If it ever had been sold, he had no hesitation in saying, that every one would have regretted it. It was printed by a mere act of inadvertence, during the absence of the Members of the committee on public petitions, and had been a source of great distress to the clerk, by whose oversight it happened to get into type. Chief-Justice Tindal was the very last man against whom even a whisper should be breathed; for a more learned, more just, or more patient man never adorned the bench. He happened to be counsel in the cause to which the petition referred, and, therefore, knew that there was no foundation whatever for the allegations it contained. Under such circumstances, he was satisfied, that if the attention of the House had been called to the petition when printed, it would have taken immediate steps to recal every copy. But by the bill as it now stood, it would possess no such power. He would take the case of an individual not so well known as the learned and excellent Chief-Justice, for the purpose of showing how important it was that the House should retain the power of stopping the publication of papers which it had ordered to be printed. Some time since, the House printed a report upon the subject of New Zealand. To make that report perfect, a map was attached to it. That map, it appeared, had been drawn up by an individual, who immediately complained to the Treasury that his copyright had been invaded. His complaint was entertained, and compensation afforded, but it was necessary that the publication should be stayed, or the injury to this individual would have gone on increasing. It was unnecessary to multiply cases of this kind, in which policy, justice, common sense, required that the publication should be stayed. By the bill, as it now stood, that power would be lost. He came now to the last amendment, which he held to be very objectionable, although it did not seem capable of effecting much harm. It was in these terms—

> "And be it enacted, that it shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such report, paper, votes or proceedings, to give in evidence, under the general issue such report, paper, votes or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice; and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant or defendants."

This was evidently a mistake, because it supposed no prosecution to be commenced except for printing, and then prescribed the act of publication as a justification, supposing it to be *bonâ fide*, and without malice. To enact that extracts or abstracts might be published all over England, by every bookseller who published them *bonâ fide* and without malice, appeared to him to be laying the Legislature open to some of those strong remarks about injustice which were so freely and, he thought, so improperly applied to other parts of the case. He apprehended, therefore, that this was a mistake which must be corrected. These, then, were the grounds upon which he objected to the bill as amended by the other House of Parliament. He objected to the first amendment, because it admitted, or tended to admit, the jurisdiction of the courts of law for acts done in obedience to the orders of the House. This, indeed, was his chief objection; and it was one that he thought the House could not too seriously consider. He, therefore, submitted to the House, with respect to these amendments, if the House should be of opinion that the impressions he entertained were well-founded, they would not consent to adopt a bill that would carry the mischief so much further than the original bill would have gone. At the same time he begged to say, that by striking out Mr. Howard's clause, he was satisfied the House would not find itself in any degree relieved from the evil which the bill was originally intended to remedy.

The *Attorney-General* felt himself bound upon this occasion to express his opinion upon the amendments made by the House of Lords. Although he agreed with some of the criticisms and arguments used by his hon. and learned Friend, yet he felt bound to say, that upon the whole his opinion was, that these amendments ought to be agreed to. The introduction of the bill was a measure, the necessity of which he could have wished had not existed. He had always been anxious for the House to have maintained its own privileges without legislation. But they were placed in very great difficulties. He had seen many strong objections to the bill, but it had seemed to him, upon the whole, that they would be avoiding greater difficulties and dangers by agreeing to the bill as originally framed, than by persisting in asserting their own inherent powers. He never doubted for a moment the power of the House to exercise the jurisdiction which his hon. and learned Friend had contended for. Both Houses had exercised it for centuries; and it was a power which he hoped they never would part with: for he could easily imagine that a time might come when Parliament might be compelled to proceed to exert that power by commitment against plaintiffs, attornies, attornies' clerks, sheriffs, or any other parties executing the processes of any of the courts of Westminster-hall, or any other court in the kingdom, contrary to the privileges of that House. But the question at present was, whether they ought to agree to these amendments. If these amendments had given any discretionary power to the courts of law, he should have most strenuously resisted them. If he had found in the bill a provision giving the defendant the power of applying to the court to stay proceedings, upon such terms as the court might think fit to impose, he should have considered such a clause an insult to the House of Commons, and should most undoubtedly have contended that the House ought to reject it. Because that would have been putting the House in the situation of humbly going before the court to solicit its interference in their favour; and the court might have said in reply—

> "We have thought fit to stay proceedings on payment of costs, as between attorney and client, and likewise on condition of the defendants making the plaintiff compensation in damages."

In fact, it would have been making the Speaker of the House of Commons go to the court and make his bow, and humbly submit to the terms the court might think fit to impose. Again, if he had found there was among these amendments a proposal that there should be no sale of the reports and proceedings of that House, he should have opposed it, as a most improper interference with the privileges of the House. The House had resolved that a sale was expedient—that they thought it the best mode of distributing their papers. The result of this had, he believed, been, that though the number of copies had not been multiplied, yet information had been much better communicated to the public than before the right of sale was established; although it ought always to be recollected that there was no novelty in the principle of sale, the practice having subsisted for two centuries. Ever since the Revolution, petitions, even of the most delicate nature—namely, those against private grievances, had always been sold with the votes. But he found, in these amendments, nothing to give to the courts of law a discretionary power. In fact, he found nothing in them to which the House might not agree. His hon. and learned Friend had objected to the certificate of the Speaker being lodged with the judge instead of with the officer of the court, as originally proposed. But that was merely placing the judge in the situation of the officer. The judge would only have ministerial functions to perform; he would be bound to stay proceedings; and would be liable to be impeached if he refused. It was the act of the Legislature that stayed the proceedings, and not the judges of the court. If there were an action pending in a court of Common Pleas, and the judges were to hesitate about staying proceedings, so completely ministerial were the functions of the judges, that the Court of Queen's Bench might grant a *mandamus* to compel the Court of Common Pleas to stay proceedings. There was no wish on the part of the House to show any disrespect to the courts of law; nor at the same time did he think that their privileges could be at all endangered by this act. The next objection of his noble and learned Friend was, that twenty-four hours' previous notice was required before the certificate of the Speaker could be made use of. Why, so strongly was it felt that the plaintiff should not be taken by surprise, that by the bill as originally framed it was provided that notice should be given to the plaintiff within forty-eight hours after the delivery of the certificate. It would be monstrous to say that proceedings should be stayed behind the back, as it were, of the plaintiff. Instead, however, of forty eight hours' notice after the certificate was obtained, the amendment was, that the notice should be given twenty-four hours before. He did not consider this amendment a sufficient reason for refusing his assent to the bill. His hon. and learned Friend regretted (and so did he) that the clause staying the action brought by Mr. Howard had not been allowed to remain part of the bill. But that clause was no essential part of the measure. After the bill had been sent up to the House of Lords, the officers of the House of Commons had been authorised, by a very large majority, to appear and defend the action brought against them by Mr. Howard. This was granted upon the statement by the plaintiff that the action had not been brought to call in question any of the privileges of the House; on the contrary, he admitted the validity of the process of the House; but it was brought in consequence of excess on the part of the officers of the House in staying too long in Mr. Howard's dwelling. It did not appear, therefore, to him, that any of the privileges of the House would be in jeopardy by their agreeing to strike out that clause. His hon. and learned Friend had further complained of the clauses which the Lords had introduced. It certainly did cause him an agreeable surprise at seeing a clause introduced for protecting newspapers and other publications that should re-publish any copy of the reports or other proceedings of the House. He was very glad to see such a clause adopted. He had been afraid that if any such clause had been originally introduced, it would have been a clog to its progress elsewhere, because, if there existed so great a difficulty in getting the sanction of Parliament to a publication of a limited nature, the difficulty would have been greatly increased if the proposition had been made to extend protection to a re-publication by all mankind. Here, however, was the clause, and he was not at all sorry for it. He thought his hon. and learned Friend was wrong in thinking that either this clause or any of the preceding clauses would at all compromise the privileges of the House. All that they did was to give a summary mode of proceeding to enforce those privileges which the House had the inherent right to exercise. The bill admitted the existence of the privilege. The preamble of the bill admitted the right of sale. It stated that it was essential to the due and effectual exercise and discharge of the functions and duties of Parliament that these publications should be dispersed, and that information should be communicated to the public; and that it was necessary that a more speedy protection should be afforded against actions or prosecutions for such publications; thus acknowledging that there already existed a power on the part of the House to stay proceedings, but at the same time saying that it was necessary a more speedy remedy should be provided. That speedy remedy was provided by this bill. It would be effectual when Parliament was sitting. It would relieve the House from a great deal of painful inquiry, and it would be more particularly useful and necessary during the recess. His hon. and learned Friend had also objected that greater advantage was given to parties publishing these reports in newspapers than to the officers of the House. He thought his hon. and learned Friend had not put a proper construction upon that clause of the bill; because the court or judge who was to stay the proceedings was the court, or judge of the court, in which the action was brought. He was not at all alarmed by the notion that the machinery of this bill would be found ineffectual. From the time this bill received the royal assent, he most firmly believed that no action for such a publication ever would be thought of: neither actions nor indictments would be brought. But if there were, even in the case supposed, an indictment preferred at the assizes, the judges in commission remained the judges of that court until the following assizes, and would always be open to an application for staying proceedings. His hon. and learned Friend the Member for Exeter would remember that no longer ago than last term there was an application to the judges of oyer and terminer of York assizes, respecting the non-return of *a certiorari*, and those judges were unquestionably in commission as the judges of oyer and terminer until the following assizes, as much as Lord Denman, Chief Justice Tindal, or Mr. Justice Pattison, were judges of the Court of Queen's Bench; and application might be made to them to stay proceedings just as much as any application might be made to any of the judges of the superior courts. He thought he had now answered all the objections of his hon. and learned Friend. He owned that he should have been better pleased if no bill at all had been necessary; and if this House had been unanimous in proceeding *propriâ manu.* At the same time, as the House had not agreed unanimously to enforce its own privileges, he felt no difficulty in admitting that great good would be effected by the passing of this bill, and he therefore hoped the Lords' amendments would be received. It seemed to him that these amendments evinced, on the part of the House of Lords, a spirit of conciliation and moderation, and a desire to treat the House of Commons with respect; and he thought they would not be displaying the same disposition to conciliate, or evincing on their part a desire to bring about an accommodation of those differences, the existence of which all good citizens must regret, if they were to refuse to allow these amendments to pass.

Sir *Robert Peel* observed, that if this bill were required to be passed for the purpose of preventing the necessity of resorting to harsh measures, it was necessary that it should be passed at an early period. The House was about to separate, and if they involved themselves in a conference with the Lords upon technical points, the bill might be protracted to a time when all the evils to be prevented might have occurred. He thought it would be much better, in order to effect a great object, to risk some imperfection in the details, than run the chance of becoming embarrassed in a technical argument. If he had found in the bill any provisions inconsistent with the privileges of the House, or that would in any degree be a disparagement to the House to assent to, he for one should have been prepared to have taken his stand in support of the privileges of the House, and should have been ready to go the length of refusing to accept these amendments. But looking at the bill with its amendments, he must say that it manifested a sincere desire on the part of the House of Lords to protect the privileges of the House of Commons. There were no conditions imposed, no enactments introduced inconsistent with the main object that was sought to be carried out. He would not look to any casual expressions that might have been used in the course of the debate. He knew of nothing except what appeared on the face of the bill, and judging of the intention of the House of Lords by the amendments they had introduced, he must declare, that he saw nothing but a sincere desire on their part to co-operate with the House of Commons in defence of the privileges which the latter asserted. If it were the wish of the House to get rid of the bill, one half of the ingenuity displayed by the Solicitor-general would have been sufficient. He would venture to say, that if one half of that ingenuity had been exercised in the House of Lords, it would have been quite sufficient to have induced the House of Lords not to have passed the bill. Suppose he had urged in the House of Lords, that it was impossible to assent to this bill, because it was a disparagement to the Court of Queen's Bench. By the preamble of the bill the legality of the privilege was admitted, whereas the judges had declared that it was illegal. The necessity of the privilege being admitted, the legality of it was established, and therefore the illegality of the judgment was established. If that had been urged as an argument, it would have afforded a stronger ground for rejecting the bill than any the Solicitor-general had advanced. But the House of Lords permitted the preamble to pass. Both Houses of Parliament had agreed, that the House of Commons possessed the right of free publication, and that it was essential to the due performance of their functions. Finding that this great principle was admitted, he was ready to overlook minor considerations and matters of detail. Those defects were not intentional, nor introduced by way of disparaging the House of Commons. He should therefore advise the House to adopt the bill. He had never evaded declaring his opinion upon this question. He was perfectly convinced, that those who had strenuously opposed the exercise of the privilege, for which he had contended, were acting from conscientious motives. He had acted with them in many instances, but when he thought they were giving bad advice, he did not hesitate to differ from them. And he must say, that, judging now by past experience, he did not regret any portion of the advice he had given the House. He rejoiced that he had advised the House to insist upon the possession of this privilege, as absolutely essential to the proper discharge of their functions. He did not regret the House having exerted its own inherent right. He did not regret the exertion of their power of committal; and he rejoiced, that they had it established, that they possessed the power to commit. He rejoiced, that they had obtained the judgment of the court that they could not question their right of committal. Having that power unquestioned, he did not hesitate to declare, that he thought it proper and right to procure, by legislation, a more speedy and sovereign remedy to enforce it, rather than enter into a conflict that would have led to a total absorption of the time of the House. Their threats of imprisonment, or their actual imprisonment, would not, he was convinced, have been sufficient to deter men—ay, and honourable men too, from contesting with them; for the contest would have been transferred from the Stockdales and persons of his stamp to men of much higher character, who, while they entirely differed from Stockdale, also differed from the House of Commons as to the mode of maintaining and vindicating the privilege of the House. This would have involved them in a contest from which they had not the power to extricate themselves, and therefore he did not regret the advice he had given, that they should try by legislation to secure a more summary power. At the same time he had not advised them to part with any power they already possessed. He trusted they never would part with that. But if they could procure by the assent of the Legislature an acquiescence of the House of Lords in their own views of their privileges, he thought it was wise to make the attempt; and he must say, that the result had justified the attempt. He considered that their privilege would stand upon a better footing after the passing of this bill than it did before; in addition to which they would have a more summary power of asserting it. Whether the judge or the officer of the court should have the power to stay proceedings, he really thought was no objection at all. By the bill as sent up to the House of Lords, it was provided that the certificate should be served upon the officer of the court. It was objected, that it was not right to give power to an officer to do a certain act of which the judge would have no cognizance whatever; that it had an appearance of disrespect to the judges. It was therefore proposed, that instead of a subordinate officer the judge should be compelled to do the act, he having no discretion whatever. If the judge declined to do it, there was, as the Attorney-general had said, an ulterior power to effect it. But he must say, that where there was an imperative order by act of Parliament for a judge to do a certain act, it was unfair to presume that he would depart from the spirit of the act, and refuse to carry into effect the intention of the legislature. With respect to the other clauses, they related to matters entirely apart from the object of the bill. There was not only an indemnity given to the officers of the House, but to all other persons. He certainly was surprised at this. He had himself been disposed to carry their privileges very far, still he shrunk from proposing so wide a provision. He found, however, the proposal in the amendments, and although he might see some technical objections, yet he, for one, would not enter into any technical discussion, but accept the substance of the amendment, under the strong conviction expressed by the Attorney-general, that practically the bill would never be required to be enforced. He might mention, if he were disposed to dwell on technical objections, that while the servants of the House were protected, and the republishers of their reports were protected, a third party, the vendor of the original reports, as printed by order of the House, had no protection. But he confessed, that if they were to attempt to remedy every one of these objections, it would involve the House in a long and tedious conference with the Lords that might be the cause of frustrating the very object of the bill itself. Upon the whole matter, he had only to repeat that the sole object he had in view from the beginning was the maintenance of what he deemed to be an indispensable privilege of the House. In advocating the views he entertained he had not shrunk from the unpopularity that he knew would necessarily attend that course. Some of his friends had condemned him for the warmth with which he had supported those views; others, from whom he often differed, had commended him; but alike indifferent to praise or censure, he had always acted with one sole intention—the maintenance of that power which he judged to be essential for the due discharge of the functions that devolved upon them as one branch of the Legislature. Having acted upon that principle, he found himself perfectly justified by the course taken by the House of Lords. In his opinion, the House of Lords had shown a spirit of conciliation, and had evinced a wish to do every thing in order to protect this privilege. He did not find in any part of the amendments the least sign of an intention to offer any species of insult to the House of Commons. He, therefore, thought the House would act wisely by accepting these amendments.

Mr. *Wakley:* When the right hon. Baronet rose to address the House, he expected the right hon. Baronet would say, "If you pass this bill, it is my intention to abdicate my seat." [Sir *Robert Peel:* I always advised the bill.] Not this bill. He had heard the right hon. Gentleman say, some months since, that if he could not maintain the privilege of publication, he would abdicate his seat. Had the House succeeded in maintaining that privilege? What! as a privilege of this House? No: on the contrary, every body knew the reverse. There was not a person of any understanding, discretion, or sagacity, who did not fully understand that the majority of that House was beaten, and wofully beaten on this subject. Had they maintained their privilege? He said, no! And that, as a privilege of the House, it was gone. They had been under the necessity of going to the House of Lords, and beseeching that lordly Assembly to concur with them in passing a law to enable them to make a publication of their proceedings; and this was the miserable figure they were now cutting in the face of the people of England. This privilege being gone—for it was gone—they had abandoned it—was there one privilege that was safe? The privilege of commitment would be next questioned. It would not be deemed sufficient to issue the Speaker's warrant without specifying the grounds of the committal. Thus, in turn, every one of the privileges which the people of England possessed might at last be questioned before the hereditary branch of the Legislature, and in turn every one might be as prostrate as the one now under discussion. The party who had opposed this privilege were the party who had on this occasion driven the majority to ask permission of the House of Lords that they might be allowed to publish their own reports. That which had been deemed by the judges of the land to be a most atrocious tyranny, and an abandonment of every just and sound principle, was now admitted by those very judges themselves—the chief of them Lord Denman, among the number, to be essential to the due and effectual exercise of the functions of the House of Commons. The two hon. and learned Gentlemen—the Attorney-General and Solicitor-General—had given their opinions freely upon this question. In turn those Gentlemen would both be on the bench. They now differed widely in their opinions. Would their altered position, as judges, change the opinions they now entertained? They were not then arguing as advocates, but they were acting honestly and faithfully as senators on the oaths which they had taken. When they were on the bench they would still act in the same way. Yet the House saw how much they now differed in opinion as to the construction of this Act; and other persons seeing this difference of opinion would, when those persons came to be chief justices (and that they would do according to the usual order), try to obtain different interpretations of the Act. Seeing, then, the nature of the bill—seeing how the House had abandoned the high ground on which it had at first stood—deploring the introduction of the bill, and hoping that it would never become law—if no one else voted against it he certainly would.

Mr. *Pemberton* could see nothing in the bill in the least degree inconsistent with those doctrines which had been maintained by the noble Lord opposite, and his right hon. Friend, the Member for Tamworth. It did not in the slightest degree interfere with the rights or privileges of the House, as far as those rights and privileges could be insisted upon as such. When this bill should become law, it would still be competent for the House to assert its privileges by every means it was now in its power to resort to. The House would not be debarred by this bill from punishing any individual who might be guilty of contempt towards it, nor could it be urged in opposition to the Speaker's warrant committing a person for contempt, for it expressly provided, that neither directly nor indirectly, expressly or by implication, should it be construed to abridge the privileges of either House of Parliament. It left those privileges precisely where they were, while it afforded an additional, an easier, and a more complete mode—not of asserting their privileges he could not say, for he was one of those who had not conceded them—but of establishing for both Houses the full enjoyment of the same powers they now possessed, and of adopting a remedy against every obstruction of those powers. He contended, therefore, that it was in no manner inconsistent to call for the interposition of the Legislature to enable the House of Commons to exercise its authority with greater effect. Parliament now granted that protection which that House could give, if at all, only imperfectly. The only difference was this, that they must, according to the first clause, apply to the Court to stop the action. But then it was to be recollected, that every Act of Parliament must be construed by the judges. Somebody, at all events, must construe them, and the whole question now really was, whether the certificate by means of which the action was to be suspended, should be produced to the superior or inferior officer. There was no discretion left by this bill in its present shape to anybody. It merely required that the application, instead of being made to an inferior officer, should be made to a judge. Many hon. Members and noble Lords elsewhere had waived their objections upon the general question, for the purpose of carrying this bill, and it was unfair for the hon. and learned Solicitor-general to assert, that the whole object of those who had produced those new clauses was to make an invidious distinction between the officers of the House of Commons and those persons who were not clothed with the same authority. A more groundless, a more wild notion could not have entered into the mind of a human being. The object of those clauses, he believed to be no other than to give effect to this measure, which the House of Commons itself, and without any previous communication with the House of Lords, proposed. He, however, hoped, that when this bill should have received the royal assent, the noble Lord would give further effect to the spirit upon which it was founded, by liberating those individuals who were now incarcerated for actions which this bill would put an end to.

Sir *R. Inglis* observed, that like many other hon. Members, he felt he was conceding much in giving his support to this bill, as amended by the House of Lords, and he sincerely hoped that the noble Lord opposite would attend to the suggestion of his hon. and learned Friend, and relieve those individuals to whom his hon. Friend had just alluded, from the punishment they were so unjustly suffering.

Mr. *T. Hobhouse* said, that as no answer had been given to the arguments of the hon. and learned Gentleman, the Solicitor-general, he would feel it his duty to support the opposition to the amendments made to the bill. It was a measure that was boasted of as a concession, but the only concession that he could find in it was, that Lord Denman in his judgment admitted that whatever was necessary to enable the House to discharge its duty it had as a privilege, but that the right of publication was not so necessary, and was not possessed by the House, whilst now in the preamble to this bill it was distinctly admitted by both Houses, that the power of publication was necessary and was possessed by the House. This contradiction was all the concession he saw, and as he was at first opposed to the bill, he would still vote against it.

Mr. *Freshfield* hoped, that when this bill was passed, the House would take more care, and give more consideration to the papers before they were ordered to be printed. The House would surrender no one of its privileges by the passing of this bill; they would only obtain a short mode of redress, rendering unnecessary the assertion of the powers of the House, and without a resort to those means to which they had now had recourse; they were not abandoning their right to have recourse to those means if they should be found desirable. With respect to the second clause, however, he intended to move an amendment, requiring the same twenty-four hours' notice to be given to the plaintiff in an action for copying a publication as was required in an action for the original publication by order of the House.

The House divided on the question that the amendment be read a second time: Ayes 68; Noes 28; Majority 40.

List of the AYES.

Acland, Sir T. D.
Archbold, R.
Baring, F. T.
Baring, hon. W. B.
Barnard, E. G.
Bernal, R.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, Sir J. Y.
Campbell, Sir J.
Clay, W.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, D.
Ellice, E.
Ellis, J.
Fleetwood, Sir P. H.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Goulburn, H.
Graham, Sir J.
Greene, T.
Grey, Sir C.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Inglis, Sir R. H.
Kemble, H.
Knight, H. G.
Lockhart, A. M.
M'Taggart, J.
Mahon, Viscount
Morpeth, Viscount
O'Brien, W. S.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Peel, Sir R.
Pemberton, T.
Pigot, D. R.
Polhill, F.
Price, Sir R.
Rushbrooke, Col.
Russell, Lord J.
Rutherfurd, A.
Smith, B.
Smith, R. V.
Stewart, J.
Stork, Dr.
Teignmouth, Lord
Thesiger, F.
Trench, Sir F.
Tufnell, H.
Vernon, G. H.
Vivian, Sir R. H.
Wilmot, Sir J. E.
Wood, Col. T.
Wyse, T.
Young, J.

TELLERS.

Stanley, E.
Parker, J.

List of the NOES.

Aglionby, H. A.
Bridgeman, H.
Callaghan, D.
Courtenay, P.
Ellis, W.
Evans, W.
Hawes, B.
Heathcote, G. J.
Hector, C. J.
Howick, Viscount
Hume, J.
James, W.
Lushington, C.
Morris, D.
O'Connell, M. J.
Rundle, J.
Salwey, Colonel
Strutt, E.
Tancred, H. W.
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C.
Warburton, H.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Wood, B.

TELLERS.

Wakley, T.
Hobhouse, J.

Amendments agreed to as far as clause A. On clause A,

Mr. *Freshfield* moved the amendment of which he had given notice, viz., that twenty-four hours' notice should be given in case of any action for the publication of any copy of a report or other paper, to the plaintiff of the intention to lay a certificate before the court from the Speaker, &c., as in the first clause.

Lord *J. Russell* had had some intention to move an amendment similar to that which had now been brought forward by the hon. Gentleman, but upon full consideration he had thought it better to allow the clause to remain as it stood. There were several amendments which could be suggested, but as the clauses as they stood did not affect the privileges of the House or interfere with any of its officers, he trusted the hon. Gentleman would not press his motion.

The amendment negatived.

Mr. *S. O'Brien* hoped the noble Lord would have now no objection to state what course he intended to pursue with regard to the prisoners confined under the orders of the House.

Viscount *Howick* hoped his noble Friend, before he answered the question which had been put to him, would consider well the propriety or rather the impropriety of discharging those persons without a petition from them and without their making any submission to the House. The parties now in confinement had not as the sheriffs had done, shown any anxiety to obey their orders, but had actually gone out of their way to oppose the House.

Lord *J. Russell* would reserve his answer to the question which had been put to him till to-morrow. He had, however, no objection to state generally his impression on the subject. He thought the persons now remaining in confinement stood in a different position from the sheriffs. The sheriffs had come under the orders of the courts of law, and they were placed in the difficult position of either opposing the orders of the Court of Queen's Bench or the orders of that House, and they had ever manifested an anxiety to consult the wishes of the House. The House would, therefore, probably be of opinion that the attendance of the sheriff at the time appointed would not now be necessary. As regarded the son and clerk of Mr. Howard, they had both held an inferior situation, and had only acted under the authority of others. With regard to Mr. Stockdale, that person had originated these proceedings, and had done everything to thwart the House, and to set its orders at defiance Mr. Howard had aided Mr. Stockdale in those proceedings, and he was now carrying on an action against one of the officers of the House, and that action would not be put a stop to by the present bill. As he said before, he should, however, take till to-morrow to consider the case of the different prisoners.

The Lords' amendments were agreed to, the bill to be returned to the Hours of Peers.

Canada Government Bill.] Lord *J. Russell* moved the order of the day for the second reading of the Canada Government Bill,

Mr. *Pakington* said, he rose to appeal once more to the noble Lord, and to request him not to push on this important stage of this most important measure at the present moment, when the House was so thin, and when there had been no time to consider maturely its provisions. A great number of hon. Members had gone out of town, and he sincerely trusted that the noble Lord would not press the second reading till after Easter. Since he had last made an appeal to the noble Lord on this subject, he had discovered a precedent for postponement, which was so closely in point, that he hoped it would have some influence upon the decision of the noble Lord. In 1791, Mr. Pitt brought forward the Canada bill, which the noble Lord now sought to repeal by the present bill. Mr. Pitt appointed the 21st of April for the House going into committee on that bill, and it had been agreed that the discussion should be taken on that stage of the measure. The discussion had in fact, as in the present case, been fixed for a day immediately before Easter, and Mr. Sheridan objected to that course, and asked for postponement on the grounds that hon. Members had gone out of town, and that there had not been sufficient time to consider the provisions of the bill. Mr. Pitt at once said, that if there was one gentleman in the House who was not ready to enter upon the consideration of the measures, he would put off the discussion at once, and it was accordingly put off till after Easter. Now, the two cases he thought were perfectly analogous, and he fully believed that there was not one Member then present who was ready to go on with the present bill, and to give it that full discussion which it ought to have, before it went through so important a stage as the second reading. He trusted, therefore, that the noble Lord would follow the example of Mr. Pitt, and postpone the second reading of this bill till after Easter. If the noble Lord determined to persevere, he would not allow himself to be drawn into a discussion on the merits of the bill at that time, and he would only state that he objected to a union of the provinces so soon after the troubles by which the colony had been disturbed. If the noble Lord was determined to gain this stage, he could only declare his disapprobation of such a course, and he would reserve to himself the right of entering fully into the merits of the bill before the House went into committee upon it.

Sir *R. Inglis* wished to make the same appeal to the noble Lord, as had just been made by the hon. Gentleman who had last spoken. The House was very thin, and no one could suppose that his hon. Friends would not have been present, if they had understood, that the noble Lord would positively have brought on the second reading of this important measure. He sincerely trusted, that the bill would be postponed till after Easter.

Lord *J. Russell* had on a former occasion stated the reasons which induced him to press the second reading of this bill at the present time, and he did not think that those reasons had been weakened or set aside by what had just fallen from hon. Members opposite. He did not think there was any analogy between the present case, and the case which had been cited by the hon. Gentleman. Mr. Pitt had carried the second reading, and had got the sanction of the House to the principle of his bill. It had even gone through committee, and it was upon the question of recommittal that Mr. Pitt had agreed to a postponement. It was of very great importance that this bill should receive a second reading as early as possible, and even after Easter, the hon. Member for Wolverhampton, had given notice of another motion regarding the corn-laws, and he might again be asked for postponement, as that motion might give rise to a long debate. If he were to postpone the second reading of this bill, upon such grounds as those which had been stated by the hon. Gentleman opposite, he should not have been justified in bringing it forward at all. He must persist in moving this order of the day for the second reading. He should not, however, fix an early day for the committee, so that hon. Members would have full time to consider the subject before they were called upon to discuss the details.

Order of the day read.

Mr. *Hume* thought no delay ought to take place in the progress of this measure through that House. Looking at the present state of Canada, he thought every person must be anxious to see an end put to the arbitrary system of government which at present existed in that colony. There would be plenty of time before the re-assembling of the House after Easter, for hon. Members to consider the details of the measure, and he hoped no opposition would be offered to the present stage of the bill. For himself, he was anxious to see an imperfect bill passed as early as possible, in order that there might be an end to the arbitrary system of government which had been established in Canada. It would be much better that this bill should pass forthwith, than that any further delay should take place. He should, therefore, offer no opposition to the progress of the bill, though he might suggest some amendments hereafter. At the same time, he did not think that the bill would meet the object in view, of satisfying the people of Canada, and produce peace and unanimity. The principal complaint on their part was the want of responsibility in the councils, and he did not see in this bill any security for responsibility. Opposition to the wishes of the people had led to the state of things which had brought about the revolution. Want of responsibility had been pointed out by Lord Durham, who had suggested a proper remedy. It appeared to him that a great injustice was about to be perpetrated against the French population of Canada. The bill violated the principle of equal justice promised by the noble Lord in his letter to the two colonies. It was intended to swamp the French population, by not giving them a fair share in the representation. He was confident that the same cause of complaint which existed in Upper Canada existed in Lower Canada. The inhabitants of both colonies desired free institutions. Did the noble Lord imagine, that when the two provinces were united, they would abate one jot of their claim for popular institutions, or that things would go on better than they did before, when there was nothing in the bill to make the councils in harmony with the people? The Executive Council was to be the same as before; the governor was to choose the members as before. What security, then, had the people of Canada that they should have persons in whom they could confide? There was no measure to render the judges independent of the Crown, and they had seen judges removed by Sir John Colborne for their just administration of the law. It was true there was a civil list, and the colonial legislature might give the judges salaries as they pleased; but there ought to be a clause rendering the judges independent of the governor. In the next place, the revenues were put under the control of the Home Government, and it was a *sine qua non* with the people of Canada that the revenues should be placed under the absolute control of the Government of the country; they wanted to have the management of their own affairs; this was the source of all the disputes, and the noble Lord might depend upon it, that the assembly of the united provinces would not let the revenues be administered by Downing-street, the abuses of which had been pointed out by Lord Durham. He therefore repeated that the revenues ought to be managed in the colony, and not at home. Another great cause of complaint was the Crown lands. Was it intended that the Crown lands were to be governed, or misgoverned, as before? No man could say that they had not been mismanaged, and yet, according to the bill, they were to be placed under the management of the Home Government. This was not doing what he expected would have been done—namely, let the Crown lands be administered according to the wishes and interests of the people of Canada. Another subject was the Church revenues. There was a separate bill respecting the clergy reserves, and to think that it would give content to the people of Canada! What did Lord Durham say?—that it was one of the most important subjects, and that a great part of the troubles of Canada might be attributed to it; for Lord Durham said that a great many well-informed persons in Canada had informed him that the state of the clergy reserves had led many to take up arms, and that they should be placed under the local Legislature. He contended that the bill, so far from satisfying the people of Canada, would lead to fresh disturbances, and would prevent that unanimity and harmony so essential to the country. He therefore entered his protest against the principle of the bill. The bill purported to remove grievances and to promote concord; but, so far as he could see, not one grievance was removed, and there would be the same series of troubles as before. If the causes of complaint were allowed to remain, after the examples we had had, it was not to be expected that the measure would be satisfactory to the people of Canada.

Mr. *H. G. Knight* said, that, as the second reading of this bill was not to be postponed, he wished to say a few words, for it did not appear to him that any man who entertained the wish that the Canadas should remain a part of her Majesty's dominions could behold this day without heaviness of heart; for every man must see in the projected union of the two provinces, and in the form of government which it was proposed to give them, if not the immediate separation of the colony from the mother country, yet a preparation for that separation, and the certainty of its taking place at a greater distance of time; whenever this Bill should become a law he should regard the Canadas as gone; a few years, more or less, might intervene; but this was the beginning of the end. Under these circumstances he thought the House would do well to pause a moment, and inquire what it was that had led to the present state of things—what it was that had led to the measure which was now before the House? Because, unless you ascertained the true cause of any disease, how was it possible to judge what remedy would be best? He knew he should be told at once that the true cause of this disease was misgovernment, and misgovernment he admitted it to have been; but not that sort of misgovernment which was commonly imputed. It had not been hard usage; it had not been tyranny or oppression; it had been the very reverse; it had been a long series of mistaken conciliation and the premature gift of a free constitution. He would endeavour to prove what he said, and he would remind the House that when England first became possessed of the Canadas, they were almost exclusively inhabited by a French population not accustomed to British notions, but to the despotic sway of then despotic France. Our first measure was by enactment to substitute the laws and language of England, and it would have been well if this change had been matured before free institutions, neither understood nor desired by the French, had been imparted to the colony. But, from mistaken kindness, by the 14th and 31st of George 3d., the French laws were restored, and a representative Assembly was introduced. To this premature concession might be traced all the evils which had afterwards ensued; for the French, unamalgamated with the English, still attached to France, still hating those by whom they had been subdued, made use of their new power not for the purpose of good legislation, but in attempting gradually to emancipate themselves from the yoke of the conqueror. This was the true solution of the problem which had exploded in the rebellion of 1838. All along a few demagogues were the instigators of the movement. The people, long habituated to passive obedience, took little part—and it must be remembered that amongst such a people there existed no public opinion—in one way or the other to affect the proceedings of the representatives. Hatred of England was the one impelling principle, masked under the name of the love of freedom; and this specious pretext induced many British sympathizers to take up the cause of those who said they were oppressed. These were generous men seduced by an exciting sound; and by what had ensued might be seen what might be done by generous men who suffered themselves to be led away. Others took up the cause from more questionable motives—all combined to embarrass the Government. Grievance after grievance was brought forward by the House of Assembly to keep the caldron bubbling—grievances which a spirit of conciliation laboured to redress; but no sooner was one cause of complaint removed than another was brought forward; whilst by each concession the opponents of Government acquired additional power to prosecute their designs. They derived no little advantage from the use which they made of the celebrated act of 1831; and, accordingly, when it was thought that every complaint had been attended to, in 1834 the House of Assembly produced an unexpected and astounding catalogue of ninety-two fresh grievances. England went on hoping and believing, that it was still possible to conciliate; but how could this be done, when the real object was to get rid of England altogether? By this time British republicans in the colony, and men of the same opinions in this country, began to take part with the French demagogues in the name of liberty and independence, and lent their aid to subvert what they termed the baneful domination of the mother country. At last the demands of an elective Legislature, a responsible executive, and the unconditional surrender of the revenues of the Crown, unmasked the real design. The traitors, finding themselves detected, had recourse to open violence, and the insurrection took place. If the lessons of experience were not to be disregarded, we should be taught by the example of the Canadas, not to give constitutions to colonies, at any rate not before they were in a condition to receive them.—Such, continued the hon. Member, has been the progress of events; and can we cast our eyes on this sketch, however imperfectly drawn, without perceiving that the true cause of all the disturbances in the Canadas is to be found in the unaltered feelings and ideas of the French, and in the premature concession of free institutions? and, if this is the true cause of the disease, what should be the remedy? always taking into account that the French Canadian of 1840 differs very little from the French Canadian of 1749.—What, however, is the remedy proposed? A plan is laid before us, in the concoction of which it is not, I fear, the loyal who have been consulted—a plan which will give a triumph to those who resisted her Majesty's arms—a plan which is objectionable in many respects, but which, as it has once been announced, it is difficult to withhold. Some persons of weight and experience still recommend that the Provinces should not be united, that Upper and Lower Canada should be kept distinct, that Upper Canada, or the British Province, should be governed by a Representative Assembly, and that, in Lower Canada, the Constitution should, for some years, continue to be suspended. But I cannot think that so anomalous a state of things would work well. I cannot think that such a juxta position of freedom and despotism could be sustained, or that the Canadas would be tranquillized by being half of them under an interdict, which would appear to be so penal and so vindictive. Neither could you keep the provinces distinct, and establish a Representative Assembly in each — for that would only be reviving the pest. But allow me to ask, what will be the feelings of men, what will be the state of parties, in the Canadas, should this bill pass into a law? Of the British part, the loyal will be dispirited, and the disloyal elated;—and what will be the temper of the French? The French who, at this moment, are silent only because they are gagged—the French who struggled for years, and at last rebelled, to shake off the British yoke, to preserve their nationality—the French, who are now plainly told that they are to be swamped, yet whom you cannot prevent from obtaining an influential position in the new House of Assembly, if not the preponderance. Is it to be believed that they will submit to the operation of swamping in quiet resignation? Will they not struggle for their laws, their language, their beloved nationality? And if they do, what part will the British republicans take, many of whom will find their way into the new House of Assembly? Admitting that they no longer side with the French—admitting that all the British pull together, and, for a time, accept the support and assistance of England, till the swamping is accomplished, and the amalgamation complete, yet, whenever that is effected, the separation of the colony from the mother country will take place. This Bill will lay the first stone of another independent republic. But the Canadas must be settled, no doubt, just as there must be a settlement in the case of a bankruptcy, when by a long course of injudicious proceedings, a merchant has failed, his affairs must be wound up—but was an assignment ever considered a triumph? Did any man ever think of rejoicing in such a termination? This settlement of the Canadas is no better than an assignment, and to trustees who will very likely apply what they get hold of to their own purposes. But the noble Lord will be able to say, what, no doubt, he has long been anxious to say, "Now the Canadas are done with." In the present state of things, however, I have no alternative to propose—we are driven up into a corner. There is no option left, and therefore, without entertaining a hope that this measure will long preserve the colony to the mother country, or that it will give the Canadas the form of government which will be best for themselves when they become independent, I feel it my duty not to oppose the second reading of this bill—but I rather submit to a necessity, than support what I approve.

Mr. *Goulburn* would give no opposition to the second reading of the bill, as he intended to discuss it at the next stage.

Sir *R. Inglis* said, he should follow the example of his right hon. Friend, and not discuss the measure at the present stage. He believed that no person who had been delegated to govern the province concurred in the propriety of the present measure.

Mr. *Ellice* said, that as it was understood the discussion should be taken on going into committee, he should abstain from troubling the House at any length on the present occasion. He had had considerable doubts himself on the subject of the union of the two provinces, and they had only been removed by the general expression of the opinion of the inhabitants of both provinces in favour of the measure. In justice to his right hon. Friend, now Governor of Canada, he must bear witness to the able and conciliatory manner in which he had executed his duties, and by which he had reconciled all classes of persons in that country to the principle of the measure now before the House. It was also a great satisfaction to him to see the noble Lord (Lord J. Russell) in the office he now filled, because that circumstance gave him a confidence that they were now approaching, after many years, the best settlement of which this question was susceptible. He had an objection to one particular part, and only one, of the present bill, which gave to the Governor-general the power of establishing district councils throughout the two provinces. He was ready to admit that the more the administration of local affairs in each locality was encouraged the better, and it was not therefore against the principle of establishing these district councils that he objected. Nor did he object in principle to the taxation of wild land. But it was the intention of this measure to take very great securities consistently with the concession of what was advantageous to the Canadians. It was intended to take a very large civil list, and to cripple the powers heretofore left to the representatives of the people. It could not, however, be wished to take from them the jurisdiction over the arrangement of their local affairs, which they had objected to vest in the hands of any government. But it would be unsuitable for him then to state his views at any length as he would reserve for the future stages of the discussion the grounds on which he had formed his opinions. In the mean time he would cordially consent to the second reading.

Lord *J. Russell* said, that the hon. Gentlemen opposite having stated that they would reserve their opinions until the House should go into committee on the bill, he must appeal to what was undeniably the rule and practice of the House, that the discussion of the principle of the bill should be taken on the second reading, and that unless such a discussion were raised, the House should be considered as affirming the principle of the bill. He must certainly take it in this light. After the speech which he had made upon introducing this motion, he did not think it necessary at present to enter into the details which had been referred to by hon. Members. The points which had been raised by the hon. Member for Kilkenny were almost all points for the committee. It was proposed by this bill to create a constitution on an extensive scale, resting on a broad basis, with an enlarged system of representation, which could not fail to command the attention of any statesman connected with the management of affairs in England. The object of any measure which he should be disposed to propose would but strengthen and render permanent the connexion between this country and Canada. He could listen to no proposition having for its object to lead to a separation between the two countries, believing it to be for the best interests of both that the connexion should subsist. He considered our colonies to form an inherent part of the strength of this empire, and, deeply impressed with that conviction, he said without hesitation, that they could not continue to govern Canada without going back to the principles of representative government. But they could hardly again constitute an assembly consisting almost wholly of French Canadians, without incurring the greatest risk; and the representative union of the two provinces appeared to him therefore, to be the most judicious mode of solving the difficulty.

Sir *R. Peel* had observed the progress of no other question with greater anxiety than this. He held that it would be quite inconsistent with the honour of this country to abandon this colony. Considering the influence of example with regard to our Indian and other colonial possessions, he was of opinion that to abandon this colony might be productive of the most serious results. Not merely the honour, but the permanent interests of this country, required us to maintain the connexion. But in maintaining that connexion it was out of the question that they could run counter to the wishes of the inhabitants. If they were to be involved in war at the immense distance of 3,000 miles, with the most powerful interests to contend against, without sympathy on the part of the great mass of the inhabitants, the weak portion of the British empire would be the Canadas. The cost would far exceed the advantage of maintaining them. If they were to continue this connexion, they might be compelled to enter upon a war on a point of honour, and, unless supported by the goodwill of at least the British residents, the most difficult contest, perhaps, in which this country could become engaged would be the war in North America. The British inhabitants both of Upper and Lower Canada were decidedly in favour of the continued connexion. They had afforded a noble example not only of the valour, but of the feeling of pride which they entertained for their British extraction. It was assuredly, therefore, the bounden duty of this country to maintain the connexion. Every pretext for delay, with a view to making further inquiry, was now removed, and the time had arrived when something must be done. Three plans had been proposed for the future government of these colonies. The first was the union of the two provinces. The second was the maintenance of Lower Canada for a series of years, as it existed at present, with a governor, a legislative council, and no representative assembly—in short, the maintenance of arbitrary government in one province, and the concession of liberal institutions to the other. The third form was a division of the provinces of Upper and Lower Canada into three parts, each to have its Legislative Council and popular Parliament. Nothing could be easier than to state very formidable objections to any suggestion which might be offered upon this subject, for he could conceive no more embarrassing question. It was quite certain, however, that they could not presume on the goodwill of a large majority of the population of Lower Canada. The abettors of this third plan advised that the island of Montreal, in conjunction with another district, should be detached from Lower and attached to Upper Canada. This part of the proposition did not seem unreasonable, because it was right that Upper Canada should have an outlet for the export of its produce. The new district, of which Montreal was to form a part, was also to contain a portion of the present province of Upper Canada. But such an arrangement as this would have the effect of materially prejudicing the state of the English inhabitants of the province of Lower Canada, who would thus be left in a still smaller minority. Even such of the residents of the island of Montreal as were of British extraction had in numerous cases protested strongly against their separation from Lower Canada. He had been desirous that the present division of the provinces should continue to subsist, that each should have its representative assembly, but that the government of our entire North American colonies might be under one supreme control;—in short, that there should be local legislation for the local wants of each, but that a governing body should be deputed from both provinces for superintending the general interests of the whole. This was a proposition which might be hereafter taken into consideration. He thought the maintenance of a despotic form of government in Lower Canada to be deprecated; still against the proposed union very formidable objections might be raised. With such an opposition of forces in the new Legislature, it might be very difficult to conduct the public business. There were to be thirty-nine members for the province of Lower Canada, and thirty-nine for that of Upper Canada. This portion of the project might, he feared, lead to great difficulty. He thought that the independence of the judicial authorities, and the placing of the civil list apart from popular control, which would be secured by the proposed measure, would be of the greatest possible utility. But a new source of evil might arise in the fostering of religious animosities. Considering the differences which already pervaded the mother country upon this subject, it must be deeply deplored that any measure should be adopted by which religious feuds were calculated to be promoted in this colony. Religious differences were not known there at present; and the Roman Catholic population had, during the late disturbances, shown themselves well affected towards the mother country; and, in Lower Canada, they were opposed by the inhabitants, not because they were Catholic, but French. But no permanent settlement of this question could be expected, unless it were made in conformity with the sentiments and wishes of the majority of the English inhabitants of Canada. When, therefore, he found that the assent of all the constituted authorities of that colony was given to this measure—when he found that the Legislative Council of Lower Canada, a body not selected for that purpose, but for a wholly different purpose—a body as fairly selected as could be selected to represent the wishes of the whole French Canadian population of Lower Canada, gave their assent to the measure—when he found that in the Upper Province the great majority of the House of Assembly were favourable to the measure, and that the Legislative Council of the Upper Province was also favourable, by a great majority, to the measure—when he referred to the addresses of the constituted authorities expressing, in distinct terms, their approbation of the union—when he found in those addresses such expressions as those of the 3rd resolution of the representative body in Lower Canada, which stated that the reunion of the provinces of Upper and Lower Canada was become indispensable for the maintenance of good government and the preservation of their interests in connexion with the parent state—when he saw the constituted authorities of a country situate at the distance of 3,000 miles from England concurring in this measure, he felt that for him, with his necessarily limited knowledge of the wants and interests of those provinces, to speculate on the probable effects of such a measure would be unwarrantable, and he could not, therefore, feel that he could with propriety object to a measure which they both considered to be essential to the maintenance of British connexion, and to the advancement of their own individual interests. Whatever, therefore, might have been his own individual opinion, he felt that it was impossible for him to refuse his assent to the principle of this measure; he could not undertake so onerous a responsibility. With respect, however, to the terms of the union he reserved his opinion; for he was not now aware what might be offered in the committee to remove the objections which he entertained to some of the details of the proposed plan. He assented, therefore, and fully agreed to the constitution of the future government of Canada on the principle of this bill; the consideration of the details belonged to a future stage. While on the subject, he must say one word on a question closely connected with this—he meant the question of the Clergy Reserves Bill. He hoped that the noble Lord would consider well the proposition which he appeared inclined to make of passing an act—namely, for the purpose of enabling the Crown to give the Royal Assent to the bill. If the measure of the Canadian Legislature were invalid, it was deserving of deep consideration whether they ought to think of setting it up in that manner. It would be infinitely better, as appeared to him, to legislate for the clergy reserves by a separate bill, rather than to pass an act to enable the Crown to assent to this bill. He thought that the noble Lord would find upon consideration that the greatest objections existed in point of principle to that course. If it were invalid, to pass an act to make it valid would, in his opinion, be open to the gravest objections. He made these remarks in no party spirit, for he hoped that this Session would not be allowed to pass without some mode being adopted of settling this most important question in a satisfactory manner, as well as the long agitated question of the clergy reserves, and he thought that it was infinitely better for him to state the opinion which he had exprsssed before the House was pledged to any particular course on the Canadian bill, rather than to wait until the noble Lord declared what course he intended to take, and then to state his opinion on the subject. Again, he must assure the House, that it was with no wish to throw impediments in the way of legislating on the question that he had spoken, for he earnestly prayed that the deliberations of Parliament might be successful in making the Canadas a source of strength to this country.

Lord *J. Russell* said, that with respect to the suggestion of the right hon. Gentleman, in regard to the Clergy Reserves Bill, he had to state, that on the question of law the inquiry he had made of the law officers of the Crown had reference to a clause or part of a clause of the bill, and therefore was not so general as that which had been proposed in the other House to the judges. He did not intend to move for any bill on the subject until after the recess, when full time would have been afforded for consulting the best authorities on the subject as to the question whether they should proceed with the present bill, or take some new steps for the settlement of the question. He was very much obliged to the right hon. Gentleman for his opinion and suggestions, which always must be of great authority, and he was also quite sure, that they were not given in a party spirit, but with a view to serve the best interests of the country. With regard to what might be called the material part of the question, the amount, namely, of money to be received from the rent or sale of the clergy reserves, he should only say, that he hoped no assertion of right, or of the point of honour, on the part of one party or the other, would stand in the way of its satisfactory adjustment. The House might be assured, that he should not propose any measure for their adoption without mature deliberation and consultation with his colleagues, and with those who were the most likely to assist them in coming to a proper conclusion on the subject.

Bill read a second time.

LORD SEATON'S ANNUITY.] On bringing up the report of Lord Seaton's Annuity Bill,

Mr. *S. O'Brien* said, that though he had voted for the principle of an annuity to Lord Seaton, and though he was willing to continue it for the life of the legitimate heir of the noble Lord, yet he was opposed to letting it run to the third generation. The hon. Member then moved the omission of the words "two next heirs," and insert other alterations in the first clause calculated to effect his object of limiting the annuity to Lord Seaton and his next heir.

The House divided on the original question:—Ayes 104; Noes 33: Majority 71.

List of the AYES.

Acland, Sir T. D.
Adam, Admiral
Adare, Lord
Arbuthnott, H.
Barnard, E. G.
Bernal, R.
Blackburne, I.
Blair, J.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruges, W. H.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Campbell, Sir J.
Clive, E. B.
Copeland, Alderman
Dalmeny, Lord
Darby, G.
Duff, J.
Duncombe, W.
Dundas, D
Du Pre, G,
East, J. B.
Egerton, W. T.
Estcourt, T.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gordon, Captain
Goulburn, H.
Graham, Sir J.
Grey, Sir C.
Grey, Sir G.
Harcourt, G. G.
Heathcote, Sir W.
Henniker, Lord
Hillsborough, Earl of
Hope, G. W.
Hoskins, K.
Hotham, Lord
Howard, P. H.

Hurt, F.
Hutt, W.
Inglis, Sir R. H.
James, W.
Jones, J.
Kemble, H.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lushington, S.
Lygon, hon. G.
Mahon, Lord
Maule, hon. F.
Murray, A.
Neeld, J.
Noel, hon. C. G.
Norreys, Lord
O'Ferral, R. M.
Ord, W.
Packe, C. W.
Paget, F.
Palmerston, Lord
Parker, R. T.
Peel, Sir R.
Perceval, hon. G. J.
Pigot, D. R.
Plumptre, J. P.
Price, Sir R.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Sanford, E. A.
Scarlett, hon. J.
Seale, Sir J. H.
Sheppard, T.
Smith, R. V.
Somerset, Lord G.
Stewart, J.
Stock, Dr.
Surrey, Earl of
Sutton, hon. J. H.
Tancred, H. W.
Teignmouth, Lord
Thesiger, F.
Thompson, Alderman
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Vere, Sir C. B.
Villiers, Lord
Vivian, Sir R. H.
Welby, G. E.
Wilbraham, G.
Wilde, Mr. Sergeant
Wilshere, W.
Wodehouse, E.
Wood, Colonel T.
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.
Seymour, Lord
Clay, W.

List of the Noes.

Aglionby, H. A.
Berkeley, hon. C.
Bridgeman, H.
Brodie, W. B.
Divett, E.
Duncombe, T.
Evans, G.
Evans, W.
Ewart, W.
Finch, F.
Gillon, W. D.
Hawkins, J. H.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Jervis, S.
Lushington, C.
Morris, D.
Muntz, G. F.
O'Connell, M. J.
Pease, J.
Pechell, Captain
Salwey, Colonel
Strutt, E.
Vigors, N. A.
Wakley, T.
Wall, C. B.
Warburton, H.
White, A.
Williams, W.
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.
Hume, J.
O'Brien, W. S.

Report received.

Admiralty Courts (Judge's Salary).] The House in Committee on the Admiralty Courts (Judges Salary, &c.) Bill.

On the first Clause, and on the question that the blank be filled up with the words four thousand pounds,

Mr. *Hume* moved to substitute 3,000*l.* instead of 4,000*l.* It appeared that in 1836 the judge of the Admiralty Courts sat twenty days; in 1837, twenty-one days; in 1838, twenty-four days; and in 1839, twenty-six days. On the average, in the Consistory Court, and the Admiralty Court, the judge sat forty-five days per year, and the salary was between 80*l.* and 90*l.* a day. He thought 3,000*l.* a year was quite enough.

Mr. *W. Williams* seconded the motion. On the average of the last four years the salary and fees had amounted to 2,609*l.*, and 3,000*l.* a year would, he thought, be sufficient. He considered the proposition of his hon. Friend a most liberal one, and he should, therefore, support his amendment.

Mr. *M. O'Ferrall* said, the hon. Member for Kilkenny should have opposed the previous bill in common justice, as he now offered opposition to the present, because that measure considerably increased the duties of the judge of the Admiralty Court, whose salary the hon. Gentleman now wished to curtail. It was true, that the judge of the Admiralty Court only sat on the average twenty-six days yearly in his court, but then he also sat in the Privy Council, and adjudicated there on questions pertaining to his office. He likewise lost more in practice, as an advocate, than was proposed to give him as a judge. The office had been offered to the right hon. Gentleman who now held it, in consideration of his having discharged the duties of a Privy Councillor, the duties of a Judge in ecclesiastical matters, and the duties of an Admiralty Judge for a very small consideration. Those duties were now increased by the preceding bill, and if the House did not increase the salary commensurately, it would be quite idle to suppose that any man of high professional eminence would ever accept the office. The opposition given to the present proposition appeared to him to be improper and unworthy.

Mr. *Wakley* observed, that though it was true the Judge of the Admiralty had onerous and important functions to perform occasionally, it was also true that these functions had been heretofore satisfactorily performed for a less salary even than that proposed by his hon. Friend—3,000*l.* He thought it, therefore, a profligate expenditure of the public money. He (Mr. Wakley), however, was opposed to the original sum on other grounds, which were shortly, that in his belief, whatever might be the learning, whatever the ingenuity, and whatever the skill of the man, no lawyer ever was, or, in his opinion, ever would be, worth more than 3,000*l.* a-year to this or any other country. He should, therefore, vote for the amendment.

Lord *J. Russell:* The right hon. Member for Finsbury put his opposition to this motion on one ground, and the hon. Member for Kilkenny on another. Which of them is right? As to the argument of the former hon. Gentleman, that the duty of the Judge of the Admiralty Court was performed for less than 3,000*l.* a-year before, that goes for nothing, inasmuch as the situation was given to Dr. Lushington by my Lord Melbourne, on the express understanding that a bill to the effect of increasing the salary of the office to the sum at present proposed should be brought in. I do not know what the answer of the right hon. Gentleman was to the proposition; but every one knows that his income as an advocate was much larger; and notwithstanding what has been urged against this measure, if you only pay a judge 3,000*l.* a-year, while an advocate may obtain in the way of his practice three times as much, the consequence will be, that you will have the bar superior to the bench, for no man of eminence will be found to relinquish the one for the other. The whole question is, whether the judge of the Admiralty Court, exercising as he does, such large powers, and performing such important functions, shall have the remuneration for his services fixed at 3,000*l.* I think it advisable for the dignity of the office, and the good of the public at large, that it should not be at so low a sum, and, therefore, I shall oppose the amendment.

The Committee divided on the amendment:—Ayes 41; Noes 100: Majority 59.

List of the AYES.

Aglionby, H. A.
Baillie, H. J.
Berkeley, hon. C.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Broadley, H.
Brotherton, J.
Bruges, W. H.
Buller, Sir J. Y.
Copeland, Alderman
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, T.
Du Pre, G.
East, J. B.
Egerton, W. T.
Ewart, W.
Fector, J. M.
Finch, F.
Gillon, W. D.
Hector, C. J.
Hillsborough, Earl
Hurt, F.
Jones, J.
Lygon, General
Morris, D.
Neeld, J.
Norreys, Lord
Packe, C. W.
Parker, R. T.
Round, J.
Salwey, Colonel
Scarlett, hon. J. Y.
Sheppard, T.
Spry, Sir S. T.
Tancred, H. W.
Vigors, N. A.
Wakley, T.
Warburton, H.
Welby, G. E.

TELLERS.

Hume, J.
Williams, W.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Adare, Lord
Archbold, R.
Baillie, Colonel
Baring, F. T.
Barnard, E. G.
Blennerhassett, A.
Bradshaw, J.
Bramston, T. W.
Bridgeman, H.
Brodie, W. B.
Buller, C.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Dalmeny, Lord
Divett, E.
Duff, J.
Duncombe, W.
Dundas, D.
Elliot, J.
Evans, G.
Evans, W.
Gladstone, W.
Gordon, R.
Goulburn, H.
Graham, Sir J.
Grey, Sir C.
Grey, Sir G.
Grimston, Lord
Grimston, E.
Hawkes, T.
Hawkins, J. H.
Heathcote, Sir W.
Henniker, Lord
Hill, Lord A. M. C.
Hobhouse, T. B.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Howard, P. H.
Inglis, Sir R. H.
James, W.
Kemble, H.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lockhart, A. M.
Macaulay, T. B.
M'Taggart, J.
Maule, hon. F.
Maxwell, hon. S.
Murray, A.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmerston, Lord
Parker, J.
Pechell, Captain
Peel, Sir R.
Perceval, hon. G.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, hon. J.
Price, Sir R.
Rundle, J.
Rushbrooke, Col.
Russell, Lord J.
Rutherford, A.
Sandon, Lord
Sanford, E. A.
Seymour, Lord
Smith, R. V.
Somerset, Lord G.
Stanley, W. O.
Stewart, J.
Stock, Dr.
Strutt, E.
Sutton, hon. J. H.
Teignmouth, Lord
Thesiger, F.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Vere, Sir C. B.
Vivian, Sir R. H.
Wall, C. B.
Wilde, Sergeant
Wilshere, W.
Wood, G. W.
Wood, Col. T.
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Steuart, R.

On the question that the words originally proposed be added,

Mr. *Jones* was understood to designate transaction as an "infamous job."

The *Attorney-General* looked on the office of a judge of the Admiralty Court as of as much importance as that of a judge in any other court whatever. He had in times of peace, as well as in times of war, to decide on the most difficult and delicate questions—on the right of search, for instance, the validity of blockades, and other matters of the nicest nature. And though at present the average time of his sitting in a year might not amount to more than twenty-six days, yet, in time of war, he might be occupied for full three hundred, all his attention absorbed by the business of his court. In time of war he was paid more than any judge in Westminster Hall, in time of peace he was paid less than an officer of the court. It became, therefore, absolutely necessary to award him an adequate compensation. And if the judges in Westminster Hall were not (as he believed to be the case) overpaid with 5,000*l.* a-year, neither would the judge of the Admiralty Court be more than properly remunerated with 4,000*l.* It was on public and not on personal grounds that he should vote against the amendment.

Mr. *Kemble* thought it was no economy to pay low salaries to judges. The Court of Admiralty required a man of commanding talent to preside over it; and that talent could not be had without an adequate remuneration.

Clause ordered to be filled up with the words "four thousand pounds."

On the question that the clause stand part of the bill,

Lord *Hotham* rose to move as a proviso to be added to the end of the clause, "That the judge of the Admiralty Court shall, after the present Parliament, be incapable of being elected or sitting as a Member of the House of Commons." In making this motion he (Lord Hotham) was actuated by no personal or party feeling whatever. He did it purely on public grounds, and because he thought it would benefit the country. It would be in the recollection of the House, that in the year 1823, during Lord Grey's Government, a committee was appointed to inquire into the Admiralty, Ecclesiastical, and Consistory Courts. The report of that committee recommended the abolition of the practice which prevailed of paying the judge of the Admiralty Court by fees, the adoption of a fixed salary in lieu thereof, and the making him incapable to sit in the House of Commons. All these recommendations, with the exception of the last, were attended to. Why that was neglected no satisfactory reason had been offered to show. He should not enter on the subject of the duties of that office, as the Attorney-General had already pointed out their great difficulty and importance; but he could not help adverting to the very singular and improper situation in which a judge of the Admiralty, sitting in the House of Commons for the largest metropolitan constituency, was placed, having at the same time such duties to discharge. In saying that it was the largest constituency in the metropolis he believed he was quite right; and he believed he was equally so in saying that no other constituency in the country furnished a greater proportion of business to the Admiralty Court. He did not, for a moment, mean to insinuate or suggest, that there was the slightest possibility of bias one way or the other on the part of the right hon. and learned Gentlemen who now held that situation; but it was not what he thought, or what any other hon. Gentleman thought, but what opinion the public would come to on the subject, which ought to be the chief consideration. And when people from the country saw the right hon. Gentleman on one day sitting as judge in his own court, and on the next engaging as a partisan in the House of Commons, it was, he maintained, impossible for them to come to any other than a conclusion unfavourable to the connexion of the two functions in one man. He could not, therefore, help thinking that it would be infinitely better to remove the Judge of the Admiralty Court from the possibility of any such imputation as partiality or bias of any kind. As it was deemed advisable to adopt the recommendations of the committee, in regard to extending the business of the Court, and increasing the salary of the Judges, he also thought it advisable to withdraw that functionary from the contentions of party and political warfare: to take him away altogether from the House of Commons; and to leave him no longer exposed to suspicion, or even the chance of censure. On these general grounds, he hoped the House would agree to the proviso.

Lord *J. Russell* said; Sir, the noble Lord has proposed the present motion in a manner which, I am sure, nobody could object to, limited as it is to the constitutional grounds on which he has based it. Sir, I have a different feeling on this question; and, on equally constitutional grounds, I hope to maintain the right he seeks to annul. I think, Sir, that the effect of this motion would be to injure the House of Commons and lower it considerably in the eyes of the country by depriving it of the services of persons of weight, talents, and legal acquirements, whom they might wish to send hither to represent them. I think, Sir, it is most desirable and most consistent with the effective performance of the business of the nation, that we should have persons sent to this House, who can give us sound information on the various questions coming under our consideration, and can take an active part in their discussion. You must either maintain things in their present position, or you must go much further in your exclusion than you are now prepared to do; when you have done that, you will find yourself in a very inferior position to the other House. There are two judges of criminal courts in this House, (the Recorders of London and Dublin,) who, by your principle, ought to be excluded; but I should be very sorry to see the idea carried to such a length, and would give a clause to that effect my most decided opposition. I was happy to find, one hon. and learned Gentleman taking such a warm and active part as he did on many interesting questions, and to listen to him stating his opinion with such force, clearness, and eloquence. It was stated, that the appointment of the Recorder of Dublin was not vested in the Crown; but you have latterly altered the law affecting this nomination, and vested the appointment (if he should vacate his judicial seat at any time) in the Lord-lieutenant of Ireland for the time being; yet you have not thought it necessary to insert a clause also providing that he should not sit in Parliament. As you have sanctioned the principle of confiding the nomination of the judicial office in Dublin to the Crown, I hope you will, on the next opportunity, extend it to a similar office in London. But, Sir, with respect to the present motion, I do not like to see invidious distinctions made between judges. It would look very invidious, and probably lead to most injurious party distinctions. Shall we, suppose the proposition extended to the other branch of the Legislature, and for consistency sake, exclude the Master of the Rolls and the other judicial dignitaries? I have known the Lord Chief Justice and the Lord Chief Baron taking an active share in party debates; the latter, in the case of the Reform Bill, with very great effect, in reference to the sensation it created through the country. Would you, then, allow those learned Lords to continue to take part in political debates, in the other House, to be mixed up and contaminated, as the noble Lord expresses it with party matters, while you would exclude for ever such functionaries as the hon. and learned Member for the Tower Hamlets from your own House, and exclude, at the same time, all the learning and talent and eloquence which they bring to aid your debates? I will allude only to the question which formerly occupied the attention of this House at the time of the French revolution, when one of the ablest speeches that appeared on the subject of the Sedition Bill and the suppression of public meetings was made by Sir William Grant; and you are now asked to enact, that whenever some similar important occasion occurs, you will deprive yourself of the opportunity of having the light which the Judge of the Admiralty may be able to throw upon the law of nations for your information and guidance? It is true, the right hon. and learned Gentleman is returned Member for the Tower Hamlets, which is, perhaps, a misfortune. It would certainly be desirable that he should not have been the representative of so large a constituency, but he had no choice in the matter, as they were well satisfied with his conduct, and determined to re-elect him. I think, Sir, there is very little disadvantage in the present system, but that there would be a considerable one in disqualifying the learned individuals aimed at, both as against the people, who claim the right of sending them, and against ourselves, who require their information. I am, Sir, decidedly opposed to altering the constitution of the country without any benefit likely to result.

Mr. *Wakley* was far from thinking it an unfortunate circumstance that the learned Judge of the Admiralty should have been elected for the large constituency of the Tower Hamlets—on the contrary, he considered it very fortunate that, after having been selected by the Government for a high judicial office, the right learned and right hon. Gentleman should have been declared by his constituents qualified to represent them. His chief objection to the motion, however, was, that it tended to limit and restrain the choice of the people, and to deprive them of the services of honest and talented men—as they would be compelled to look to the House of Lords alone for dignity and elevation, and would, therefore, become trucklers to the Ministry of the day. As to the judge being excluded for fear he should be interested in judicial questions affecting his constituents—if that principle were good, why not send out all the landholders from that House on the discussion of the Corn-laws—because they were personally, and pecuniarily interested in voting against the repeal in order to keep up their high rents?—["*Question.*"] Why it was too much to the question.—This was a great constitutional question. And he begged the House to recollect that the present Lord Chancellor, when Master of the Rolls, had sat in the House, and was now so noble an ornament to the bench, that the House could not but deem itself honoured by having numbered him among its Members. He thought the constitutional rights of the people would be violated if any more security were required than that they should exercise on any individual appointed to the judicial office the same choice which was required to be exercised at the re-election of those who had been appointed to Ministerial offices.

Mr. *Hume:* Sir, I differ entirely from my hon. Friend. I think any Member, elected by a large constituency, must, if he performs his duty to them, have the whole of his time thereby occupied. And I think in the same way that the public, after having made an ample provision for the remuneration of the judge are entitled to the whole of his time and energy. Indeed, Sir, I think that no paid officer of the Crown should sit in this House.

Colonel *Sibthorp* thought the noble Lord was very politic in keeping all the friendly votes he could in the House, otherwise he would have been out of office long ago. If the hon. Member for Kilkenny brought forward a motion that every person who received public money should walk out of the House he would support him.

Mr. *T. Duncombe* said, that the noble Lord had advocated the propriety of having the Master of the Rolls in the House on important questions, on account of the information he could afford them? but there were other public functionaries in a similar predicament. There was Mr. Harvey, who lately held a very important office, and the House resolved on his expulsion. There were the Poor-law Commissioners, the Police Commissioners, and the Tithe Commissioners, whom it might be desirable to have on the same principle. The noble Lord said it was desirable the Judge of the Admiralty ought not to have a large constituency; but what number did he think he ought to have? Old Sarum would serve his purpose. Some snug patronage borough. He would venture to say, that they would always find such an individual to vote thin and thick with the Government of the day. He thought the fewer placemen they had in the House the better, and he was happy to see this reform coming from the other side of the House, for, as the thing stood, it was too absurd.

The House divided on the question, that the proviso be added:—Ayes 81; Noes 99: Majority 18.

List of the AYES.

Adare, Lord
Arbuthnot, H.
Baillie, Col.
Baillie, H. J.
Baring, hon. F.
Blackburn, I.
Blackstone, W.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Copeland, Ald.
Darlington, Earl of
Dick, Q.
Douglas, Sir C.
Duncombe, T.
Duncombe, W.
Du Pre, G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Estcourt, T.
Fector, J. M.
Finch, F.
Gaskell, J. M.
Gladstone, W. E.
Gordon, Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimston, Lord
Grimston, E. H.
Hamilton, Lord C.
Hawes, B.
Heathcote, Sir W.
Hector, C. J.
Henniker, Lord
Herries, rt. hon. J. C.
Hodgson, R.
Holmes, W.
Hope, G. W.
Howard, P. H.
Hurt, F.
Ingestrie, Lord
Jones, J.
Kemble, H.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Mahon, Lord
Maxwell, hon. S. R.
Neeld, J.
Norreys, Lord
Packe, C. W.
Parker, R. T.
Peel, Sir R.
Pemberton, T.
Perceval, J. G.
Plumptre, J. P.
Round, J.
Rushbrooke, Colonel
Salwey, Colonel
Sandon, Lord
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Spry, Sir S. T.
Sutton, hon. J. H.
Teignmouth, Lord
Thesiger, F.

Trench, Sir F.
Vere, Sir C. B.
Villiers, Lord
Williams, W.
Wood, Col. T.
Young, J.

TELLERS.
Hotham, Lord
Hume, J.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Anson, hon. Col.
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. H.
Brotherton, J.
Buller, C.
Bulwer, Sir L.
Byng, right hon. G.
Callaghan, D.
Campbell, Sir J.
Cavendish, C.
Clay, W.
Clive, E. B.
Dalmeny, Lord
Divett, E.
Duff, J.
Duke, Sir J.
Dundas, D
Elliot, hon. J. E.
Ellice, rt. hon. E.
Evans, G.
Evans, W.
Ewart, W.
Gillon, W. D.
Gordon, R.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hawkins, J. H.
Heathcoat, J.
Hill, Lord A. M.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Hoskins, K.
Hutt, W.
James, W.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Macaulay, rt. hon. T. B.
M'Taggart, J.
Maule, hon. F.
Melgund, Visct.
Mildmay, P. St. J.
Moreton, A.
Morpeth, Visct.
Morris, D.
Murray, A.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmerston, Visct.
Parker, J.
Pease, J.
Pechell, Capt.
Philips, M.
Pigot, D. R.
Ponsonby, hon. J.
Price, Sir R.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Sanford, E. A.
Seymour, Lord
Smith, R. V.
Stanley, hon. W.
Stewart, J.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, Sir R. H.
Wakley, T.
Wall, C. B.
Warburton, H.
White, A.
Wilde, Sergeant
Wilshere, W.
Wood, G. W.
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, hon. E. J.
Steuart, R.

On clause 5, providing for a retiring pension of 2,000*l.* for the judge of the Admiralty and the Dean of Arches, being put,

Mr. *W. Williams* wished to know upon what grounds it was proposed for the first time to give a retiring pension to the judge of the Admiralty? He desired to be informed why this retiring pension should be sought for the present judge of the Admiralty, when Lord Stowell and his predecessors required no such provision? Still more was he anxious to be informed why the Dean of Arches, an officer appointed not by the Crown, but by the Archbishop of Canterbury, should have the boon extended to him? To adopt this proposition would be to throw away the public money without consideration. Last year he had moved to expunge this clause and he begged to make the same motion now.

Mr. *Hume* seconded the amendment. The proposition for retiring pensions to the judges of the Bankruptcy Court had been rejected, and on the same grounds he trusted the committee would altogether reject the present new pension.

Mr. *M. O'Ferrall* said, he thought the opponents of the clause ought to have stated some grounds why this pension should not be granted. They had not done so, though there were strong reasons why it should be given. One reason was, that an able and learned man would undertake the important duties of the office when secured a retiring pension in the event of his health failing him, and thus the best talent would be secured to fill the important office. The case of Lord Stowell had no analogy to the present proposition, for Lord Stowell, in addition to his office as judge of the Admiralty, held the offices of judge of the Consistory Court, Dean of the Arches, Master of the Faculties, and other similar appointments, which produced him a revenue of 7,350l. per annum. It had now been determined to fix the salary at 4,000l., and he thought ample grounds existed for a retiring pension of 2,000l.

Mr. *T. Duncombe* said, this was one of a series of jobs unparalleled in the history of the House of Commons. If one pension could be considered worse than another, it was this.

Mr. *Hume* observed, that the effect of the measure would be to give a pension to the servant of the archbishop, and not the servant of the Crown.

Sir *J. Graham* observed, that there was no provision made in the present bill for the independence of the judge of the Admiralty Court. It was not declared that he was only removable upon address to the Crown by the two Houses of Parliament.

The *Attorney-General* fully agreed with the right hon. Baronet, that the judge of the Admiralty Court ought to be independent; and no doubt he was so, without the necessity of any provision being made in the present bill for that purpose. The other judges held their offices *quamdiu se bene gesserint*, and so did he.

The House divided on the question that the clause stand part of the bill—Ayes 46; Noes 22; Majority 24.

List of the AYES.

Adam, Admiral
Archbold, R.
Baring, rt. hon. F. T.
Boldero, H. G.
Bridgeman, H.
Campbell, Sir J.
Dalmeny, Lord
Duncombe, T.
Du Pre
Elliot, hon. J. E.
Estcourt, T.
Evans, W.
Gordon, R.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Hamilton, Lord C.
Hawes, B.
Hawkins, J. H.
Hobhouse, T. B.
Hodgson, R.
Horsman, E.
Hoskins, K.
Hutt, W.
Maule, hon. F.
Moreton, hon. A. H
Morpeth, Viscount
O'Brien, W. B.
O'Connell, M J.
O'Ferrall, R. M.
Palmerston, Viscount
Pechell, Captain
Perceval, hon. G. J.
Pigot, D. R.
Price, Sir R.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Seymour, Lord
Strutt, E.
Troubridge, Sir E. T.
Warburton, H.
Wilde, Sergeant
Wodehouse, E.
Wood, G. W.
Young, J.

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Aglionby, H. A.
Blackstone, W. S.
Brotherton, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Duke, Sir J.
Ewart, W.
Finch, F.
Gillon, W. D.
Hector, C. J.
Ingestrie, Viscount
Jones, J.
Lowther, J. H.
Morris, D.
Parker, R. T.
Philips, M.
Round, J.
Salwey, Colonel
Sibthorp, Colonel
Trench, Sir F.
Vigors, N. A.
Wakley, T.

TELLERS.

Hume, J.
Williams, W.

Remaining clauses agreed to, the House resumed; bill to be reported.

HOUSE OF LORDS,

Tuesday, April 14, 1840.

MINUTES.] Bills. The Royal Assent was given by Commission to the following Bills:—Printed Papers; Exchequer Bills; and a number of Private Bills.—Read a first time:—Augmentation of Maintenance.—Read a third time:—Rated Inhabitants Evidence.

Petitions presented. By the Marquess of Lansdowne, from several Dissenting Bodies, for the Abolition of Church Rates, and of Ecclesiastical Courts, and against any Grant to the Clergy of the Established Church for Education.—By the Duke of Newcastle, from Derby, and the Duke of Wellington, from Southampton, against the Repeal of the Corn-laws.—By the Archbishop of Canterbury, and the Bishop of London, from several places, against the Clergy Reserves Bill.—By the Marquess of Bute, from several places, in favour of Non-Intrusion.—By the Marquess of Westminster, and Lord Ashburton, from several places, for Church Extension.—By the Earl of Charleville, from the Coroners of Clare, for Amending the Law relating to their Office.—By Lord Redesdale, from Norwich, for Medical Reform.—By the Marquess of Bute, from Ayr, against the Sale of Spirits during Divine Service.

DISTURBANCES IN LIMERICK.] The Earl of *Charleville* begged to remind the noble Marquess, the Secretary of State for the Home Department, of the question he had asked on the 30th of last month—whether the Government had received any information respecting the disturbed state of the county of Limerick, and particularly the outrages which had been committed on the farm of Mr. Hill? He wished to know whether any information had been received as to the state of the district, and what steps had been taken for the restoration of the tranquillity of the county.

The Marquess of *Normanby* said, that having perused all the accounts which had been published respecting the occurrences to which the noble Earl had drawn his attention, and having compared them with the constabulary reports—making allowance for some degree of exaggeration—he must say, that the statements of the noble Earl were in the main well founded. Some outrages, of an agrarian character (he did not mean by that expression to qualify this violence) had taken place in two parishes of the county of Limerick—land had been turned up—and a threatening letter of a very atrocious character had been sent to Mr. Hill, reminding him of the death of Mr. Fox. But as the event which was so alluded to by way of threat had taken place four years ago, he (the Marquess of Normanby) was inclined to believe that the county had been in a comparatively peaceable state since that time. As soon as the reports of the outrages in January last reached the Irish Government, rewards were offered and an increased constabulary force, amounting to sixty, was sent to Limerick from Longford, where they were unnecessary, and peace had since been effectually maintained in Limerick.

He had come down to the House several evenings, with the intention of giving the noble Earl that explanation, but he was prevented from doing so by the whole of the early part of the evening being occupied by the discussions introduced by the noble Marquess opposite (Westmeath). When ever similar accounts reached the Irish government, every exertion would promptly be made in all cases to repress disorder, and bring the delinquents to punishment.

The Earl of *Charleville* had received last night a letter from Mr. Hill, in which, after describing the alarming state of the district, he said he had been offered the assistance of some police; but the authorities refused to give him less than four or five, and insisted on his paying a certain sum daily for each of the men. Until the noble Marquess became Lord-lieutenant of Ireland, such a demand had never been made. The order then given called forth the strong reprobation of all the magistrates; and in a case which occurred in the county with which he was connected, where a person having had the assistance of the constabulary, refused to pay the sum required, he had not heard that the Government had been enabled to enforce the claim. The first duty of the Government and of the police was undoubtedly to give protection to the loyal and peaceable inhabitants, and to preserve, if possible, the peace of the country. But it was at once grievous and insulting, to tell a farmer, " We know your life is in danger, and your property insecure, but if you have the protection of the police force, you must pay *5s.* a-day for it." If it was the opinion of the authorities, that the protection of the police was necessary, it should be given without payment.

The Marquess of *Normanby* said, that the noble Earl spoke under a misapprehension. The general rule was, that persons could not claim the exclusive service of the police, without remunerating them for the period in which they were at their command, though if the Government, on inquiry, saw reason for their being sent to protect any particular person, no charge was made. The mere fancy of an individual was not deemed a sufficient ground for transferring them to his disposal.

BERGARA CONVENTION.] The Marquess of *Londonderry* wished to have an answer to the questions of which he had given notice last night, in order to enable him to bring the whole subject of the Bergara convention before the House in a substantive shape immediately after the holydays. The questions he had to put to the noble Viscount were the following:—1. Lord John Hay is stated in No. 4 despatch from Colonel Wylde to Lord Palmerston, to have first sought the Carlist General Maroto. Had he any instructions for such proceedings as early as July, 1839, to authorize his being the bearer of communications between Maroto and the Duke of Vittoria? 2. It appears in Lord John Hay's letter to the Earl of Minto, No. 22, that the Christino Government, in whose cause the war was carried on, did not approve or sanction the raising of the Muniagorri standard of 'Paz y Fueros.' Had Lord John Hay instructions to act independently of the Christino Government in aiding the views of that chief in a plan which terminated in disgrace, and who was so despicable a character, that no Basque had the slightest confidence in him, although he represented himself as being patronized by the agents of our Government? 3. In consequence of the part her Britannic Majesty's Government have borne in the negotiations carried on between Maroto and Espartero, is it their determination to urge on the Spanish Government that the Fueros should be fully accorded to the Basque provinces? It appears that in the opinion of her Britannic Majesty's Government the local privileges of the Basques and their institutions should be preserved as far as they are compatible with the representative system of Government, which has been adopted for the whole of Spain, and as far as they are consistent with the unity of the Spanish monarchy. Were these, then, the grounds and principles on which Lord John Hay supported Muniagorri's standard of 'Paz y Fueros,' and were no further hopes than these held out?"

Viscount *Melbourne* had to state, in reference to the first question, that Lord John Hay had no precise instructions, but acted on the general knowledge he had of the views, intentions, and wishes of her Majesty's Government. His conduct in that respect had been subsequently entirely approved of. As to the affair of Muniagorri, the whole of the facts had already been laid on the table. Lord John Hay, in that instance, also acted without precise instructions, and solely on his acquaintance with the general views of the Government, and the purposes of the service on which he was employed. With respect to the other question, whether we were bound to see the treaty of Bergara executed, he begged leave to state, that the British Government had not been guarantees of that treaty; they had been no party to it, and although they were anxious that the Spanish Government should fulfil its stipulations, and indeed entertained no doubt that it would strictly and faithfully execute the treaty, yet the British Government were in no respect bound to see it carried into effect.

The Marquess of *Londonderry* thought it could be proved by the papers which had been laid on the table, that the British authorities had so directly interfered throughout the whole arrangement, that they must be considered pledged to see the terms of the convention carried into effect.—Subject at an end.

POOR LAW (IRELAND).] The Marquess of *Westmeath* moved for copies of "any correspondence on the records of the Poor-law ommissioners, on the necessity of the provisions of the act 2nd and 3rd Victoria, cap. 1, to amend the Irish Poor-law of the 1st and 2nd Victoria, cap. 56, particularly respecting the 5th section."

Viscount *Melbourne* could not undertake to say that any such correspondence existed. If it did exist anywhere, it would be impossible to find it under the vague terms of such a notice as that of the noble Marquess.

The Duke of *Wellington* thought it would be but fair, after the course which had been taken last night, that every information should be given by the Government, why so important an amendment had been introduced at the very last stage of such a bill. The Poor-law commissioners were bound to keep copies of all their correspondence, and their Lordships had a right to know in what quarter that amendment had been suggested.

Viscount *Duncannon* was quite ready to produce all the information in his possession, but he believed no correspondence had taken place on the subject. The fact was, the commissioner had been in London at the time, and suggested to him in the lobby the necessity of introducing this amendment, even at the last stage of the bill.

The Duke of *Wellington* said, he had certainly seen a great many instances of surprises upon his side of the House, by noble Lords on the other side, but the introduction of this clause into the bill, upon the third reading, was the most flagrant case of surprise that had ever been practised in that House. Upon the 25th of February, he had stated, that he saw no objection to the measure as explained by the noble Viscount opposite, in his speech on the second reading. On the 26th of February he was absent from the House. Now, he was never absent from the House, except when he was prevented from attending by illness, which very seldom happened, or by public duties elsewhere. On the 26th, when he had left town to attend the judges upon circuit, the bill was committed; and no amendment was made, nor any notice of amendment given. On the 27th, he had the honour of receiving the judges at his House, and on that day the bill was reported, but no notice was then given of any proposed amendment. On the 28th, when he was not in the House, and without any notice, this objectionable amendment was introduced. Now, what he wanted to know was this—who it was that suggested this amendment? Was it suggested by Mr. Nicholls? or had there been any correspondence with any magistrate upon the subject? It could not be suggested without communications of some kind passing. Some correspondence must have taken place beforehand, and if no such correspondence were forthcoming, the Poor-law commissioners had not done their duty, for they were bound to keep copies of all correspondence, and to be prepared to lay them before the Houses of Parliament. His desire was to sift the matter completely, for he considered the amendment to be a very gross violation of the principles of the bill, and if it had formed part of the bill originally, he, for one, should have voted against it. He hoped, therefore, his noble Friend would persevere in his motion. If the return to it were *nil*, be it so; then it would appear that the Poor-law commissioners had not performed their duty.

The Earl of *Wickow* felt confident, that when his noble Friend opposite had introduced this amendment, he had no idea he was departing from the usual course of proceeding, or introducing a clause which was in any way inconsistent with the general objects of the measure.

But the result proved the necessity of making some regulation for the future, as to the introduction of new clauses upon third readings. They ought not to be introduced, except with notice, and after the proposed amendments had been printed.

Viscount *Duncannon* said, that there was a necessity for the bill to pass by a certain time, and, so far as he could recollect, the amendment had, just before the third reading, been put into his hands by one of the Poor-law commissioners, who assured him that it was absolutely necessary to insure the working of the bill, and did not interfere with its principle. If he had conceived that the amendment would in any manner change the nature of the bill, he certainly should not have introduced it in the absence of the noble Duke opposite.

The Marquess of *Normanby* said, that if any correspondence had taken place with the Poor-law commissioners on the subject, it should be laid on the table. It was not intended, by the amendment, to alter the right of voting for guardians, and if such were conceived to be the effect of the amendment, there could be no objection to pass a declaratory act on the subject.

The Earl of *Winchilsea* thought it extraordinary that the noble Viscount opposite should, at the suggestion of any individual, come down to the House with such an amendment, without being fully acquainted with its nature and effect.

Motion agreed to.

Registration of Arms (Ireland).] The Earl of *Glengall* rose to call the attention of their Lordships to the subject of the registration of arms in Ireland, and to the laws connected with it, and in so doing he should take the liberty of asking the Noble Marquess opposite (Normanby) whether it were the intention of the Government to propose any alterations of the law now existing on that subject? He was not desirous of getting up a debate on the state of tranquillity in Ireland, and he would, therefore, in the remarks which he intended to make, confine himself exclusively to the possession of arms by improper characters. He would not trouble their Lordships at any great length as the subject had previously been before them, and no doubt they were well acquainted with it. It was a fact perfectly notorious that there was a great quantity of unregistered arms in the possession of persons of the worst description. This fact was so universally known and admitted, that no proof was necessary on the point. It was admitted on all hands, and by no parties more unequivocally than by the magistrates and gentlemen who were examined by the committee of their Lordships, up stairs, during the course of the last session. To prevent this great and alarming evil a bill was introduced into the lower House of Parliament by Lord Stanley, when his Lordship was Secretary for Ireland. The object of that measure was to tranquillise the country. But notwithstanding the necessity for some change, and the beneficial change proposed by Lord Stanley's bill, a great outcry was raised against it in Ireland. This bill, either by the dissolution of Parliament or the demise of the Crown, or some similar cause, fell to the ground. No measure, consequently, was adopted to remedy the evil which existed, and which had increased to a frightful extent. To prove to their Lordships that the evil had not been exaggerated, he would read a return of the number of outrages which had occurred from the 1st of January, 1836, to the 1st of January, 1838, which arose solely from the possession of arms by improper characters, and which were immediately and directly connected with the bad state of the registration:—Robbery of arms, 238; firing upon persons, 70; firing upon dwelling-houses, 23; and attacking houses, 411. This was the general return throughout Ireland. In some counties, of course, the evil was greater than in others. In Tipperary during fourteen months previous to February last, there had been 185 cases of outrage arising from the improper possession of arms. In other places the cases were very numerous. Cases of outrage in different counties of Ireland, originating from the improper state of the law on the subject of the registration of arms, were unfortunately numerous. The evil had in a great measure been increased by the loose and careless manner in which the punishments for carrying and having arms on the person were regarded. The custom of carrying arms had been allowed to go on to such a length that it was almost considered legal. This subject also was most worthy of the attention of the Government. He was not desirous of making this a party question, bu there was a stringent necessity to alter the law, to give security to the well-disposed inhabitants of the country. He would therefore ask the noble Marquess if it were the intention of the Government to introduce any law on the subject? The noble Earl moved at the same time for returns of the number and expense of the police, and of rewards offered, and outrages committed in Ireland, since 1838.

The Marquess of *Normanby* had no objection to the production of the returns moved for by the noble Earl. They were connected with a subject which had engaged the very serious attention of the Government. During his residence in Ireland several places had been submitted to him for a more strict registration of arms in that country. He could not at present say that it was the intention of her Majesty's Government to alter the law connected with the subject; but he would at the same time state that he had been in communication with a learned Gentleman connected with the law department of Ireland, and that he intended to correspond on the subject with his noble Friend, the present Viceroy. When he had done so, he should then be able to give a more explicit answer as to the intention of the Government. As to the returns which the noble Earl had read, showing the number of outrages which had been committed from the improper and illegal possession of arms; regretting as he did their amount, he could not refrain from congratulating himself that their number had diminished, and was still diminishing. The returns read by the noble Earl only brought down the cases to 1838; now he would read the number which had since occurred. In the three first months of 1838, there were 122 cases; in the whole of 1839, there were seventy-three; and in 1840, there had only been sixty-one. So, though the number was deplorably great, he was rejoiced to say that the outrages were diminishing.

The Earl of *Wicklow* observed, that the noble Lord had not stated under what circumstances it was that the bill which was introduced for the purpose of remedying the evil was not proceeded with after being allowed to go so far as the second reading.

The Marquess of *Normanby* said, there were certain reasons which had induced the Government, on mature consideration, to abandon the measure.

The Marquess of *Westmeath* said, that under the present law persons were obliged to register their arms at the quarter sessions, which left it open to the ruffians of the country to consider whether the houses of those persons were in such a state as to give them any chance of seizing the arms which were so advertised. He thought, therefore, it was one of the first duties of the Government to consider this subject, and make the necessary alteration in the present law.

Lord *Monteagle* said, that the subject was one in which they ought not to act in haste or without deliberation. The registration law had not served as a protection to the peaceably-disposed inhabitants of the country, but had produced an entirely contrary effect, and therefore when any change was about to be proposed, they ought to take that circumstance into consideration. A false and unfair inference had been drawn from the returns read by the noble Earl. From his division of the subject, each outrage was divided into three separate crimes—1st, being in possession of unregistered arms—2nd, attacking the house—and 3rd, depriving the owners of their arms. And this, of course, swelled the list to a great amount.

The Earl of *Glengall* assured the noble Lord and their Lordships that this was not the case. The latter were taken from the returns of the stipendary magistrates, and the cases were placed *seriatim.* He wished, indeed, that the fact had been as represented by the noble Lord; but he could assure the House that the gross number consisted of separate and distinct cases. Nothing could be worse than the state of some parts of the country. The condition of the northern parts of Tipperary was fearful. Under such circumstances, he trusted that the Government would take upon themselves the introduction of some measure to remedy the evils existing.

Returns ordered.

House adjourned until the 30th April.

HOUSE OF COMMONS,

Tuesday, April 14, 1840.

MINUTES.] Bills. Read a first time:—Glass Duties; Poor-law Commission Continuance; Chimney Sweepers; Poor-law Amendment.—Read a second time:—Grammar Schools.

Petitions presented. By Mr. Grote, from the Merchants of London, for Protection to the British Trade with Cracow.—By Mr. Villiers, from several places, for the Repeal of the Corn-laws.—By Mr. Plumptre, from one place, against the Grant to Maynooth College.—By Mr. Ewart, and Mr. C. Lushington, from two places, against Church Extension.—By Mr. Hume, from Glasgow, and Springfield, for Universal Suffrage, and Vote by Ballot.

TOTNESS ELECTION.] Sir *T. Fremantle* presented a petition, which materially concerned the privileges of that House, and involved a charge of a serious character against the returning officer for Totness. The petition came from certain electors of that borough. The House would recollect, that on the termination of the investigation before the election committee on Wednesday last, the chairman moved, that a new writ should issue for the borough. That writ was received by the under-sheriff at Exeter on Friday, and in the afternoon of the same day he endeavoured to serve the precept on the returning officer. His messenger accordingly proceeded to the house of the mayor, next to the house of the Gentleman appointed to officiate in the absence of the mayor, and then to the town-clerk, but was unable to find any of them in Totness. The messenger made application to their respective wives, who said they knew nothing about them, but he was told by the wife of the town-clerk, that he would come home by the day's mail. He, however, did not arrive at Totness, and on Saturday the messenger, leaving duplicate copies of the precept at the houses of the mayor and the town-clerk, returned with the original to the sheriff at Exeter; for the Act of Parliament required him not only to serve the precept on the officer entitled to hold the election, but also to obtain his endorsement to it. This was the statement of the petitioners, that the mayor, the deputy-mayor, and town-clerk were absent with the intention of avoiding the service of the precept. He was not prepared to prove this allegation, but he might pledge himself to prove, that they were in London at the time the election committee was sitting, and in the room when the decision of the committee was announced to the parties. There was no doubt, too, though at that moment he had no witnesses ready to prove the fact, that they were aware of the issue of the new writ. The importance of this case did not turn on the misconduct of the mayor, endeavouring to gain time improperly, but the circumstances which he had stated had a tendency to invalidate any election held under the writ which had been issued, because the sheriff was bound within three days to serve the precept on the mayor, and a question might arise whether any election held under the precept received by the mayor subsequent to the three days was good? Supposing the mayor to have had the intention to render invalid any election under the writ, he would have been guilty of a gross dereliction of duty, and it would, no doubt, be the duty of the House to visit him with some mark of its severe displeasure. Since this petition had been put into his hand, he had been informed that the mayor of Totness arrived in that town on the last of the three days; but as no sheriff's officer was then present to serve the precept, it might be doubtful whether the copy of the precept left in the mayor's house was a good service. He was not prepared at the present moment to submit a motion to the House, but he thought he had stated enough to justify him in proposing, that the petition be printed. If it should turn out that the conduct of the mayor arose merely from inadvertence, he should certainly make no motion on the subject, but he should certainly call the attention of the House to it to-morrow, if it should appear that the mayor had acted purposely. He trusted, too, if the service of the precept under the circumstances he had stated was informal, the House, instead of putting the parties to the inconvenience of proceeding to an election which might be void, would at once supersede the writ, and issue a fresh one. He did not mean to pledge himself as to the course he should think right to take to-morrow.

The *Attorney-General* said, that though he had no objection to the petition being received and printed, it seemed to him to fail in making out a *primâ facie* case against the mayor.

Petition to be printed.

CHIMNEY SWEEPS—CLIMBING BOYS.] Mr. F. Maule moved, that the House should resolve itself into a committee of the whole House, for the purpose of passing a resolution recommending that leave be given to bring in a bill for the regulation of chimney sweepers and chimnies.

House in Committee.

Mr. *F. Maule* said, that the Committee, in his opinion, ought to take this opportunity of superseding the use as chimney-sweepers of poor little creatures who had nobody to protect them. If they did not effect some alteration in this respect, they would deserve the reprobation of the country. His principal object was, that the practice of sweeping chimnies by means of little children should altogether be done away with, and that those who employed for this purpose children under a certain age should be subjected to severe penalties. He moved a resolution, recommending leave to be given to bring in a bill to prevent sweeping chimnies by children.

Mr. *Hume* said, that severe and cruel as was the treatment of children in this trade, he had very little hopes, from what he had seen of the results of legislative interference with trades, that this attempt would be successful.

Sir *R. Inglis* said, this measure only carried out the same principle according to which they had interfered in the negro slave trade, by interfering in this case to prevent the cruelties exercised upon these poor boys.

Lord *Ashley* should be ashamed of himself if he did not express to the Government his most sincere and heartfelt thanks for the manner in which they had taken up this measure. The House had been very kind and benevolent to the children employed in factories, but from personal inquiry into both cases he could say, that the condition of those children was tenfold better than that of the chimney sweepers. Every fire insurance company in London, except one, had adopted machines for sweeping chimnies, and recommended their adoption to others. He trusted that the system of sweeping chimnies by childdren would shortly pass away, for it had led to more misery and more degradation than prevailed in any other Christian country.

Resolution agreed to, and the House resumed, and bill ordered to be brought in.

THE CASE OF NATHANIEL CAVE.]—Mr. *Easthope* rose, pursuant to notice, to move the consideration of the petition of Nathaniel Cave, complaining of illegal imprisonment. He reminded the House, that when he presented the above petition on Wednesday last, and gave notice of his intention to call the attention of the House to it, he had abstained from entering into particulars, thinking that the just and proper course then was to refrain as much as possible from doing so, and wait till the time when it could be fully stated and fairly met. He then informed the House that he had availed himself of every means in his power to give to the party accused the fullest information, and the most ample opportunity for making any explanation of the circumstances which he might think proper. He had communicated the contents of the petition to one of the hon. Members for the county of Hertford, who had forwarded it to the rev. Mr. Mountain, and the answer received was, that that reverend gentleman did not feel it necessary to enter into any explanation whatever. He was quite sure that the House of Commons would never sanction the doctrine, that there should be one law for the poor man and another for the rich man. He was not there to complain of the administration of the law as propounded by Lord Abinger, but he thought he should have the opinion of the House with him when he said, that the law, as it was propounded by that learned person, was most unjust—that it subjected accused persons to great hardship, and permitted the infliction upon them of unmerited sufferings. The petitioner, Nathaniel Cave, while working for his master, Mr. Wootton, a surgeon, at King's Langley, was apprehended, handcuffed, confined all night, and then taken before the rev. Mr. Mountain, of Hemel Hampstead, a magistrate for the county of Hertford. A statement was then made by John Wilson, gardener to the rev. J. W. Butt, of King's Langley, to the effect that he had found, on the preceding day, that some of Mr. Butt's young trees, growing in his garden, had been lately destroyed, and that he afterwards went into a beer shop at King's Langley, kept by Richard Sturman, and there heard two of his sons (named Richard and Thomas) say, that they had heard the petitioner say, that the trees had been cut on the preceding Friday night. No other evidence was given against the petitioner. The rev. Jacob Henry Brooke Mountain, however, thereupon made out a warrant of commitment of the petitioner to the House of Correction at Berkhampstead for eight days, and refused to take bail for his appearance, and said to the petitioner, "there is quite sufficient evidence to transport you." It should be observed, that that was the first account given by Wilson of the statement of the two boys, namely, "that Mr. Butt's trees had been cut." It was then, as alleged by Cave, afterwards stated by Wilson in his deposition, that what the boys had stated was, that "they had heard Cave say he had cut the trees." Now, what was the next step? Instead of the allegations being inquired into, when the poor man was brought up before the magistrate on the morrow after his apprehension, he was sent to Berkhampstead gaol, and there confined for eight days on bread and water, upon the trumpery evidence set out in the petition. He submitted to the House, whether this were not a case that claimed consideration? A man was taken up, incarcerated for eight days in a gaol, and restricted to the fare of a common felon, upon the mere hearsay, confused, and highly improbable tale of two boys, either that certain trees had been cut, or that the party had been heard to say that he had cut them. What followed? When the man was brought up at the petty sessions, the whole case was found to be of a most ridiculous and trumpery character, and he was instantly discharged. Discharged he was, certainly; but he went again to his daily toil, in the midst of his own circle, after having been confined for eight days like a felon, and after having been told by the magistrate that there was evidence enough to transport him. He trusted that the feeling of the House would go with him when he said, that this was a case of great hardship and oppression. He certainly did not personally vouch for the facts; he knew nothing of them till he read the petition; but this he did vouch for, that the petition came to him from a most respectable person, who stated that Nathaniel Cave was a worthy, honest man, and that such was the excitement produced in his favour amongst his neighbours, that it induced him to bring an action against the rev. Mr. Mountain. He brought his action; but the learned judge who expounded the law said, that the law did not provide for the case: a verdict consequently passed for the defendant; and thus this poor man, after having endured eight days' imprisonment—after having been fed with the food of felons, and finally mulcted in the sum of 100*l.* for costs, was told, that however hard his case might be—though he had suffered unjust imprisonment—his oppressor was not liable by law to make him any compensation; but that whatever of misfortune and disgrace he had endured from his incarceration in a gaol upon the trumped-up story of two boys, he must abide the operation of a law which involved him in immense expenses, and still believe this was a law made equally for the benefit of the poor man as for the rich. He appealed to the good sense and candour of the House to say, whether a person moving in a higher sphere—whether the son of a gentleman charged with an offence like this would have been handcuffed, sent to prison upon such mere hearsay evidence, brought up and examined, recommitted for further examination, and finally detained in gaol upon felon's allowance for eight days to await the petty sessions. He was sure there was no Gentleman in the House who would say, that this could have happened to any man above the class of a labourer. He regretted this occurrence as furnishing evidence of the apparent truth, and gave force to the taunt, that we had in this country one law for the rich and another for the poor. He complained not of Lord Abinger for his interpretation of the law. It would be very presumptuous in him to do so. He was bound to believe, that Lord Abinger had carefully considered and rightly interpreted the law; but if his interpretation were correct—if a poor man like the petitioner in this case, who had nothing to trust to but his labour—nothing to look to but his good name—whose daily toil was only relieved by the consciousness of his own integrity and worth: if such a man, upon a mere tale told by a couple of young and idle boys, was to be subject to eight days' confinement in a gaol, and afterwards to be told by one of the expounders of the law that he had no redress, then he should say, that such a law was not to be endured, and required some amendment. When this poor man was released from gaol, he applied to the gentleman who had committed him, in the hope of obtaining from him some expression of regret and some reasonable compensation, which, when known amongst his neighbours, would serve to wipe away the stain which his eight days' confinement had thrown upon his character; but he was met with a cold rebuff. He was told, that if he chose to enter an action, the attorneys were ready to receive the proceedings. Finding that he had no other alternative, he adopted that course. The action was entered—the cause was tried—and by the law the poor man was thrown out of court, and subjected to the additional penalty of having to pay his own costs and the costs of the defendant. Unless he was greatly mistaken in the feeling of the House, it would not refuse to institute an inquiry into the facts of this case; and when these facts had been ascertained to be truly stated in the petition of Cave, it would be for the House to declare whether the law as it now stood, was such a law as ought in policy and justice to exist in this country. The hon. Gentleman concluded by moving, that a select committee be appointed to inquire into the case of Nathaniel Cave, and to report the facts connected therewith to the House.

Lord *Grimstone* would leave it to the House to determine how far it was consistent, with propriety, to bring under the consideration of the Legislature, a case which had already been decided in the courts of justice. He had not been able to discover exactly the merits of this case; but this he knew, that when the judgment of the court was known in the village of King's Langley, where this man resided, it was received with universal delight and satisfaction. He, therefore, intreated the House, if a committee were appointed, not to trust to the *ex parte* statement which had now been made, without hearing the explanations that might be offered on the other side.

Mr. *Fox Maule* was not disposed to under-rate or under-value the importance of any petition which an individual might present to that House; but he confessed it appeared to him, that this was a case that might be dealt with otherwise than by a reference to a select committee. He thought, that if the inquiry were left in the hands of the proper officer of the Government, namely, the Secretary of State for the Home Department, the end that his hon. Friend the Member for Leicester (Mr. Easthope) had in view would most probably be fully attained. He was sure that his hon. Friend wished nothing more than that the public should be in full possession of all the facts of the case. If the words attributed to the magistrate were true—if he had really said to the petitioner when he was brought before him, "There is quite sufficient to transport you." It was very right that the matter should be investigated. But with respect to the number of days that this unfortunate man had been imprisoned, he (Mr. Fox Maule) should say, that that was rather the fault of the law than of the magistrate. As the law at present stood, it was not always possible to avoid these long imprisonments previous to trial. If his hon. Friend would leave the case in his (Mr. F. Maule's) hands, he pledged himself that every inquiry should be made into it, and that the result of the inquiry should be laid before the House.

Sir *Eardley Wilmot* alluded to the absurdity of the law, which made the cutting of a stick in a plantation felony, whilst the carrying off of a large and valuable piece of timber was merely a malicious trespass.

The *Attorney-General* was rather surprised at hearing the law so laid down by the hon. Baronet, who was a Warwickshire magistrate, because, in point of fact, the law as it really stood, was directly the contrary of what the hon. Baronet had stated.

Mr. *R. Alston* said, that having been applied to by the hon. Member for Leicester upon this subject, he had forwarded a copy of the petition to the rev. gentleman whose conduct it impugned, and had asked whether there was any explanation he wished to make. The answer which he (Mr. Alston) received, was one of the shortest description. The rev. gentleman merely said, that he had no explanation whatever to give. Under all the circumstances that had been stated, he thought the subject was one that might very properly be referred to the consideration of a select committee.

Mr. *T. Duncombe* feared that the House would be relying on a broken reed, if it assented to leave this matter in the hands of the Under Secretary, for it appeared that the party had already made an application to the Secretary of State without success, and that he now came to the House of Commons, because the Home Secretary had taken no notice of the matter of which he complained. He thought, therefore, that the petitioner would not gain much, if his case should now be referred to the Under Secretary. He confessed, that the imprisonment of the petitioner did not appear to him to be altogether the fault of the law, but the fault of Mr. Mountain, the rev. administrator of the law. What did the rev. Mr. Mountain do? This person, whom he committed on hearsay evidence, offered bail, which bail the rev. Mr. Mountain refused, sending the man off to the House of Correction, with the pleasing assurance that "there was quite enough to transport him." That might be called clerical charity; but it appeared to him to be an act of gross injustice and oppression towards an innocent and unoffending man. He thought it would be quite right to have this matter referred to a select committee; and for this reason—that it was expedient to know how it happened that this unconvicted man was kept upon bread and water, and lodged in a solitary cell in the gaol at Berkhampstead previous to his trial, when it was to be assumed that he was as innocent as he ultimately proved to be. This, he thought, was fit matter for inquiry before a committee. There was, also, a greater and a wider question that required to be investigated—whether the law of the country, as administed by the unpaid magistracy, was properly administered. He believed that real and substantial justice would never be done to the working classes until stipendiary magistrates were established throughout the country. If this select committee should be appointed, he was satisfied it would come to the conclusion that the unpaid magistracy, and particularly the clerical magistrates, did not do their duty.

Lord *Granville Somerset* was obliged to the hon. Member for Finsbury, for informing the House what was the real object of the present motion. He was obliged to the hon. Gentleman for making it manifest that the real object of the motion was to attack the magistracy generally throughout the kingdom. [" *No, no.*"] Then the speech of the hon. Member for Finsbury was wholly irrelevant. For what did the hon. Gentleman say? "There can be no justice for poor men until stipendiary magistrates shall be established throughout the kingdom." Was the House prepared to embark in such a question? He, for one, was not; and, therefore, he should vote against the proposition of the hon. Member for Leicester. He regretted as much as any one, that a poor man should have been committed upon insufficient evidence for further examination; but he must observe, that the man obtained an advantage by the committal, in so far that if he had been subjected to summary jurisdiction, he would probably have been convicted and sentenced, which would have placed him in a worst position than the being committed for further examination. There certainly appeared to have been some want of caution in the conduct of the magistrate in this case; but after the decision of the court of law, that he had not acted from malice, he did not see how this House could properly be called upon to interpose for the purpose of passing a censure upon him. He was afraid that the Under Secretary of State had undertaken a rather difficult task. Indeed, he did not know how the Secretary of State could interfere in a matter of this kind. The question was, whether the magistrate had acted *bonâ fide* in the discharge of his duty, or from malice towards the party whom he imprisoned. The court had decided that he had not acted from malice. Was the Secretary of State, then, to sit in judgment on the decision of the court? Was the office of the Secretary of State to become a court of appeal from the decisions of the courts all over the kingdom? As to the concluding observations of the hon. Member for Finsbury, he would only observe, that he should be sorry to see the day when stipendiary magistrates should be established throughout the country, being satisfied that nine-tenths of the people had more confidence in the unpaid than in the paid magistrates.

Mr. *Aglionby* said, that if the hon. Member for Leicester should divide the House upon this question, he should feel it his duty, upon the statements made in the petition, to divide with him. He certainly thought that it was not expedient constantly to introduce into that House questions that might be decided, or had been decided in the courts of law; but, at the same time, he held that the House of Commons was the grand court of appeal to which every subject, who had suffered a grievance, had a right to look for protection. His vote in favour of the appointment of the committee would be based chiefly on two grounds—first, that it was alleged in the petition that the depositions were altered—a very important point, which did not appear to have come before the judge and jury at the trial; and secondly, because it was stated to be a practice in the district where this transaction occurred, not to remand as a matter of discretion or justice for two or three days, or even for a fortnight, according to the circumstances of the case, but to commit at once to the next petty sessions. He thought that magistrates as well as the country would derive an advantage from an inquiry upon these points—points which he apprehended could not be properly inquired into by the Secretary of State, and which ought, therefore, to be referred to a select committee.

Mr. *Hume* thought, that the time had arrived when the unpaid magistrates should be put an end to. It was stated, that application had already been made to the Secretary of State without success. That was a sufficient reason to induce him to support the motion for the appointment of a select committee. To what tribunal were aggrieved persons to look for justice if not to the House of Commons? He hoped that his hon. Friend would take the sense of the House upon the motion.

Mr. *Easthope*, in reply, observed, that the noble Lord, the Member for Monmouth, overlooking entirely the manner in which the motion had been brought forward, had attempted to assign to it an object wholly different from that which it really had in view. He appealed to the candour of the noble Lord, to his sense of justice and of propriety, to say whether his motives were to be construed by anything that might strike the mind, and fall from the lips of his hon. Friend, the Member for Finsbury. He put it to the House whether, in any part of the statement he had made, there was anything like an attempt to impugn the conduct of any class of the magistracy—whether, in speaking of the judge who presided at the trial, he had uttered one word in disparagement either of his learning or of his judgment—whether, from beginning to end, he had not adhered closely to the facts of the case, rather understating than overstating them; and whether, at the very outset of his observations, he had not stated, that before he undertook to present the petition, he had communicated with one of the Members for Hertfordshire, and requested that a copy of the petition might be sent to the rev. Gentleman whose conduct it impugned, in order that he might have the opportunity of offering an explanation? He believed that improper committals, such as that complained of in the present instance, were by lawyers termed "slips" on the part of the magistrates: he thought that the noble Lord (Lord G. Somerset) had been guilty of a "slip" when he undertook to construe his motives by what had fallen from his hon. Friend, the Member for Finsbury. Then the noble Lord said, that it was rather an advantage than otherwise, that this poor man's case was delayed, and that he was sent to gaol for eight days, instead of having the matter at once fully inquired into. How was that possible? How was it possible to imagine that any advantage could result to this man from eight days' imprisonment? Be it remembered too, that the petitioner had tendered bail, which was refused; and that when he was apprehended, he was brought in handcuffed, the whole of the evidence against him being, that he himself had told two beer-house keeper's boys, that certain trees were cut. Was this the way to treat a man arrested upon a frivolous charge like this? The annals of story-telling could not furnish a tale more utterly absurd and ridiculous than that upon which this poor man was consigned to the cell of a prison. He was confident that the noble Lord, who had rather a leaning towards the magistracy, regretted the conduct of the magistrate in the present instance. He was satisfied that the noble Lord did not appear, with much comfort to himself, as the apologist of a gentleman who had so far forgotten himself as to listen to such an improbable cock-and-bull story as that told by the beer housekeeper's boys, and upon the strength of it to send a poor man to gaol, upon felon's food, for the space of eight days. He assured the House, that this subject had been to him a matter of greater pain than than many Gentlemen, perhaps, would imagine. Rarely addressing the House at all, he was the more reluctant to be the instrument of bringing under its attention a case of this painful nature. But he had yielded to a sense of duty. He had not engaged in the matter from pleasure, and feared he had not engaged in it with much effect. If it should be the temper of the House to fall in with the suggestion of his hon. Friend, the Under Secretary for the Home Department, he should be ready to adopt that course, and to withdraw his motion, relying upon his hon. Friend to give to the subject such an anxious and careful investigation as should satisfy the ends of justice. If, however, the investigation of his hon. Friend should not be satisfactory, he believed he should then have the support of the House, in moving for the appointment of a select committee, and that the petitioner, in addition to his other wrongs, would not have to complain, that he had appealed in vain to the justice of the House of Commons, Lord *G. Somerset* explained. What he said was simply this; that if this man had been subjected to a summary jurisdiction, he might have been convicted and sentenced, which would place him in a worse situation than the being committed for re-examination.

Motion withdrawn.

LOVETT AND COLLINS.] Mr. *Warburton* rose to submit a motion to the House, in reference to Messrs. Lovett and Collins, parties who were convicted of seditious libels at Warwick. The sedition was published by them after the riot that took place at Birmingham. In former times, when parties were found guilty of seditious libels, it was considered quite sufficient to make provision for the safe detention of the persons found guilty, but nothing in the shape of punishment, or of a penitentiary was ever considered necessary. He might refer to almost innumerable instances of that kind. The first instance was that of a person found guilty before the passing of the three recent acts. It the case of an hon. Baronet, now a Member of the House, the hon. Member for Wiltshire (Sir Francis Burdett). Everybody would recollect, that after the Manchester massacre, the hon. Baronet published an address to his constituents, the inhabitants of Westminster, for which he was tried and found guilty of a seditious libel. He was first confined in the gaol at Leicester, but was transferred from thence to the King's Bench, where he resided, in the custody of the marshal, where he wrote and corresponded as he pleased, and where all his friends had access to him; in short, no restriction was placed upon his conduct, except what was required for the safe detention of his person. He might also refer to the case of Gilbert Wakefield, who was, as every one knew, an eminent scholar. He was allowed free access to his friends, and had the use of books, pens, ink, and paper. He could mention the case of another eminent literary character, Leigh Hunt, who was confined in Horsemonger-lane gaol. The late Mr. Mill, the historian of India, he remembered, told him that he once drank tea with Mr. Leigh Hunt within the walls of the prison, and that that gentleman had two apartments tastefully fitted up. Again, Mr. Cobbett resided in an apartment in the keeper's house at Newgate, and had every facility afforded him consistent with the safe custody of his person. Since the Acts of Parliament had passed, he would mention instances of similar treatment. The first he would name was the case of a banker of Warwick, of the name of Lloyd, who was convicted of an assault, with an attempt to commit a rape. He was transferred to the debtor's side of the prison, where every indulgence was allowed him, although his case belonged to one of the most grievous classes of misdemeanours; and this lenient treatment, he begged to repeat, occurred since the passing of the 4th George 4th., by which the regulations with regard to prisons were enacted. Then there was the case of the rev. Robert Taylor, who was convicted of blasphemy. The visiting magistrates allowed him to see his friends for four hours in the day, from eleven to three. This was in 1831, also after the passing of the Prisons' Act. Under the authority of the twenty-eighth rule for the government of the gaol, his attendance at the chapel was dispensed with; and under the thirty-first rule, he was allowed to procure for himself food, bedding, clothing, and other necessaries, and also malt liquor not exceeding a quart; a writing-desk, chest of drawers, table, chairs, and candles. Mr. Taylor having complained, that when he took exercise he was compelled to do so with other criminals, the magistrates allowed him to walk in another part of the prison, where he was permitted to converse with his friends. He was also allowed the use of a daily newspaper, and works on science, history, belles lettres, and likewise works in any foreign language, subject to the approbation of any two magistrates. There was the still more recent case of the rev. Mr. Stevens. He did not know to what extent indulgence had been granted to that individual, but he understood that Mr. Stevens had been transferred to Lancaster gaol, and that he was allowed to see his family and children. He would now ask what had been the mode of treating Lovett and Collins? He could not describe the treatment of those individuals in more emphatic language than was used in their own letter, addressed to the hon. Member for Warwick (Mr. Collins), whose conduct in this matter did him the highest credit and honour. The letter was dated the 20th of August, 1839, and was among the published correspondence. They stated, that

"Feeling it impossible to preserve their health on the kind of food allowed them by the prison regulations, they begged to be permitted to purchase for themselves a little tea, sugar, and butter, and occasionally a small quantity of meat. They felt it very cold in their cell, and more especially as they were not allowed to use their shoes on the brick flooring; they believed it to be essential to their health to be allowed to find their own bedding, and to wear their shoes. That being weakly in health, they begged they might not be locked out in the open air, but that they might have free access to a fire to warm themselves, and to prepare their food, and that they might have the use of a knife and fork, and plate; that they might be allowed the use of pens, ink, and paper, and be permitted to correspond with their relations, and to see their friends, unrestrained by the presence of the gaoler; that they might be allowed to retire by themselves during the day time, for the purpose of reading and writing, and that they might not be locked up for fifteen or sixteen hours a day during the winter season, without fire or candle. That they were induced to make these requests from a knowledge that like indulgences had been granted to persons convicted of similar offences; and that if their requests were complied with, they promised that they would not, in any way, make an improper use of them."

This was the substance of the letter of these persons, and he admitted that some relaxation of the prison discipline had been made in consequence of the representations made by various parties—by the wife of Mr. Lovett, by the Working Men's Association, and by the hon. Member for Warwick. The first indulgence was the permission to have some tea. One of the restrictions was, that they should not be allowed to see any individual, however nearly related, except once a quarter. The wife of Collins had applied for leave to visit her husband, but it was not till the quarter had expired that she was allowed to visit him. Some indulgence had also been granted with respect to carrying on their correspondence. The restriction originally was, that they might use pens, ink, and paper, but they could not send any letter out of the prison until it had been read and allowed to pass. That restriction, he believed, still continued, but a relaxation as to the number of letters they might write had been made. They were also allowed to have a fire, and to have as many books as might be approved of by the chaplain. He would now say a word or two with regard to the particular circumstances under which these restrictions arose. These restrictions grew out of the three Acts of Parliament passed for regulating all the prisons in the kingdom. According to the first of these acts, prisoners were to be divided into four classes; first, those who were committed for trial, and not convicted; next, those who had been committed, and who had been convicted; and then there was this subdivision: first, of persons committed for misdemeanours, and convicted; second, persons committed for misdemeanours, and not convicted; third, persons committed for graver crimes, and convicted; and fourth, persons committed for graver offences, and not convicted. There were regulations applicable to each of these four divisions; and it had been contended—and he thought properly contended—that when the regulations had once been made, there was no power either in the visiting magistrates or in the Secretary of State to vary or alter the terms of any of them, in behalf of any particular prisoner. There was a power to alter them in the case of any large class of prisoners; but not with respect to any individual prisoner. He thought the magistrates of Warwick and the Secretary of State had performed their duty in saying that they had no power to alter the regulation, unless by some general measure affecting all classes of prisoners. Thereout arose the grievance of which these individuals complained. It was the Legislature that was to blame when, in making these regulations, it committed the oversight of not seeing how the regulations would apply with respect to this particular class of prisoners — they being included in the class of misdemeanants. He would ask the House to consider what was comprehended under the general term misdemeanour. It was not a defined description of offence, but included almost every offence that could be committed, even from offences often of a worse nature than what were defined felonies down to the lowest offences, such as stealing half-a-dozen apples. Indeed, every person committed a misdemeanour who violated an Act of Parliament, and where there was no pecuniary or distinct penalty attached to its violation. The offence for which Lovett and Collins were convicted was never considered a degrading offence in the eyes of society. Had the hon. Member for Wiltshire — formerly Member for Westminster—suffered in the estimation of society because he had committed an exactly similar offence? Everybody knew that from the feelings of society, and from the habits of men, no disgrace was attached to it. The hon. Baronet might still move in the highest circles of society, and enjoy the friendship of the most exalted and most virtuous of men, who would not feel themselves disgraced by the association. Why, then, were these individuals, whose offence was no greater, to be treated as if they were criminals of the very lowest description; why were they to be stripped naked on entering the gaol, and be compelled to associate and sleep in the same cell with convicted felons. It was against the common feelings of society and of mankind that they should be so treated. He would dare any government to treat a person in the exalted station of the hon. Baronet the Member for Wiltshire, in such a manner if he should be found guilty of a similar offence. He would dare any government or any magistrate to cause him to be stripped naked on entering into prison, and to be treated like a criminal misdemeanant; and yet the grounds—and he must admit the legal ground—taken by the visiting magistrates for treating Lovett and Collins in this way was, that their cases were comprehended within that class of offences termed misdemeanor, and both they and the Secretary of State, when applied to for a relaxation of this treatment, gave this uniform answer:—

> "These rules are general; we have no power to relax them, and under these circumstances we cannot afford you any relief."

He believed this to be true; but still there was one power which they did possess. They possessed the power under one of the prison regulations to remove these individuals from one gaol to another. Now, knowing, as they must have known, that the treatment of this class of misdemeanants was much less severe in some of the metropolitan prisons than in other prisons in the country (as he had shown in the case of Mr. Taylor, who was confined in Horsemonger-lane prison), they might have inquired where this class of misdemeanants was likely to meet with most indulgence, and they might then have removed them to the prison where a milder treatment would have been adopted towards them. He was happy to know that there were, among the magistrates of Warwick, gentlemen who had obtained great credit for their humanity, and he might mention the hon. Baronet opposite (Sir E. Wilmot) as one of that number. That hon. Baronet had written a letter to Lord John Russell on the subject of the treatment experienced by Lovett and Collins which was contained in the published correspondence. While the hon. Baronet justified and exonerated the magistracy in general from any injustice or inhumanity in refusing the application of those two persons, and in considering them precisely in the same point of view as other prisoners, still he expressed his sincere regret that the Prisons Regulations Acts should have subjected that class of misdemeanants to which Lovett and Collins belonged to the same description of treatment as was applicable to criminal misdemeanants; and he declared himself decidedly in favour of some appropriate and distinct rules being established with respect to that class of offenders. The hon. Baronet gave a description of the situation in which he found Collins and Lovett, and expressed his regret at seeing two such men placed under such painful and degrading circumstances. The whole of the letter reflected the greatest credit and honour on the hon. Baronet's feelings. This, however, was the way in which under the existing gaol regulations persons convicted of seditious libels were liable to be treated, and when he compared this treatment with that to which similar offenders were before subjected, he felt convinced, and he was sure the Legislature would admit, that in passing the Prisons' Regulations Act they had unawares rendered this class of offenders liable to a degree of punishment which they themselves never contemplated. Let them just consider, that with regard to all other descriptions of crime there were statutes defining the crime, but in the case of libel it was totally otherwise. There, it was an *ex post facto* law. The jury defined the crime, and convicted the party as a criminal, at one and the same moment. This was, therefore, a totally different offence from every other, it was for this and for many other reasons, therefore, that these parties were entitled to a lower degree of punishment than other offenders. He was bound to say, that in consequence of the humane interference of the hon. Baronet (Sir E. Wilmot) in one respect the condition of all the convicted misdemeanants in Warwick gaol was amended; for the magistrates of the county, finding that they could not grant one pound of salutary meat as an indulgence to these particular prisoners, they very humanely made a general regulation that all convicted misdemeanants should receive one pound of meat a week. He had thus briefly stated the outline of this case, and what he wished to observe upon it was this. In the first place, the Legislature was bound to make provision that that degree of punishment to which this class of offenders was now subjected, but which he was persuaded was never intended, but was the result of a mere oversight in passing the Prisons Regulations Act, should be remedied. He understood that his hon. Friend the Under Secretary of State was prepared to introduce into the Prisons' Bill, then before the House, a particular system of regulations applicable to offenders of this description. He hoped also that, in consequence of the severe punishment to which these individuals had been subjected—first, before they were convicted, they having been, on their committal, compelled to strip naked, and submit to a variety of indignities, which were set forth in their petition, presented to both Houses of Parliament last session, and respecting which a noble and learned Lord said, in another place, that they having been confined for nine days and subjected to this treatment, he thought that nine days' imprisonment was an ample expiation of their offence—he (Mr. Warburton) hoped, in consequence of these indignities, and they having now been confined under these severe regulations, not for nine days, but for nine months (their sentence being twelve months' imprisonment), that her Majesty's Government would consider that the three remaining months might be remitted. The hon. Gentleman concluded by moving, "That there be added to the correspondence already laid before the House a copy of the letter addressed by the hon. Member for Warwick to the Secretary of State, Lord John Russell, dated the 27th of August, 1839, and not included in the printed correspondence."

Mr. Sergeant *Talfourd* felt great pleasure in seconding the motion of his hon. Friend. It had happened to him to have had the honour of knowing, for he considered it to be a high honour to know, several persons who had been convicted of offences of this description, because there had been amongst them those whom he believed to have rendered the best service to society. He had the pleasure of knowing Mr. Leigh Hunt at the time when he was confined in Horsemonger-lane prison, his brother John being at the same time confined for the same offence in Coldbath-fields prison; and he knew that, so far from there being any restriction upon their comforts, they were living in a certain degree of splendour, and gathering around them men of kindred genius. And while he mentioned the name of Leigh Hunt, he could not refrain from expressing a wish that her Majesty's Government would consider, when they were dispensing the liberal bounty of the Crown to men eminent for services rendered to literature and the arts, the claim he had upon them, nor forget one who, in its darkest days, never forgot the cause of freedom. He remembered, when a schoolboy, seeing Mr. Cobbett in the Court of King's Bench, sentenced to two years' imprisonment in Newgate, where he afterwards found him with books and music, and surrounded with all the elegancies of life; and, so far from being subjected to any restriction, he was carrying on his "Register," and publishing his "Paper against Gold" twice every week, and, he believed, was writing quite as strongly and powerfully as he had ever written before. He would also take leave to mention the case, not of a misdemeanant, but of a person who was convicted of felony, and who remained under the sentence of capital punishment for many months; he meant the case of Mr. Aslett, who very narrowly escaped, on two occasions, the ignominy of suffering at the gallows. He was convicted of embezzling exchequer-bills to the amount of many thousands of pounds: having escaped capital punishment for that offence, he was again convicted for embezzling bank effects, and for that offence was sentenced to death. He actually remained under that sentence for a long period, a majority of the judges holding out against him, but Lord Eldon coinciding with the minority. During that time he occupied well-furnished apartments, and gave splendid dinner-parties, and entertained distinguished persons, Lord Erskine and Mr. Garrow frequently visiting him there: he experienced no kind of restraint, except a restriction on the liberty of his person. He also remembered the case of Mr. Winterbottom, an eminent dissenting minister, who in times (they might, perhaps, be disposed to say) not so good as these, was convicted for preaching two sermons with respect to the French Revolution, and was sentenced to two years' imprisonment for each of them. So far from his wife being denied access to him, he was actually permitted to marry during his confinement in prison; and, while there, he composed the "History of America," which reflected great credit on his name. His children were now living, and he believed were extremely proud of the merits of their parent, of his imprisonment, and of the cause of it. He could not help thinking that it was a most unworthy thing of any government to pursue and persecute persons guilty of what might be called intellectual offences, and who might happen, in their search after truth, to overstep the bounds of propriety, and to subject them, as these persons had been subjected, to degradations that were far more severe in their poignancy than any actual bodily torture that could be inflicted upon them. And while he was upon this subject, he wished just to call to the mind of his hon. Friend whom he saw before him, and to the Government generally, the fact that he had had the duty of twice prosecuting at Monmouth assizes a person of the name of Vincent for sedition. On the former trial he did not defend himself; but on the last he did, and conducted his defence with a discretion, with a modesty, and with a grace, which interested him certainly very greatly in Mr. Vincent's favour, and convinced him that such a man was capable of better things, and was one upon whom kind treatment would not be lost; but who might, by gentler means, be led from dangerous courses, and be made a most useful, honourable, and able member of society. He had heard that Vincent had lately been transmitted from Monmouth gaol to the Penitentiary; and he could not help expressing his earnest hope, that that young man, who he believed might be reclaimed from dangerous associations, and who naturally possessed a good heart and pure mind, might meet with no personal degradation while in that prison.

Mr. *Fox Maule* considered that, under all the circumstances, his hon. Friend was perfecty justified in making the statement to the House which he had on this occasion made. He certainly thought, that in passing the Prisons' Act, the Legislature were guilty of some omissions respecting the treatment of persons convicted of seditious libels, and so far he agreed with his hon. Friend, the Member for Bridport, that when in committee on the Prisons' Act (into which he proposed to go to-night), he should not have the least objection to adopt the amendment which his hon. Friend had suggested. But something had fallen from his hon. and learned Friend who seconded the motion, in which he could not exactly concur. His hon. and learned Friend had drawn a parallel between the cases of Mr. Leigh Hunt and others, and those of Lovett and Collins. Now, it appeared to him, that the character of the two descriptions of libel very much differed. It must be borne in memory, that the seditious libel for which Lovett and Collins were convicted, was uttered at a time when the country was in considerable danger from a high state of excitement, partly from the public mind being much acted upon by various individuals, and partly from the existence of that body which was called "the National Convention," and of which Mr. Lovett was not only a member, but of which he was the secretary. He thought that Mr. Lovett might have found a situation more worthy of his talents than the secretaryship to such a body. The libel, of which he had been convicted, had had the effect of influencing strongly the public mind in a very dangerous manner, and it was desirable that those who had had the care of the public peace should institute the prosecution, and if a jury of his countrymen should think, as they did think, that he had been guilty of a criminal act, that they should follow it up by pressing for judgment. He could not help thinking, however, that the punishment of those individuals had been very severe, and, indeed, severer than could have been anticipated, but it was not in the power of the Secretary of State, or of the visiting magistrates, to mitigate it more than had been done. Mr. Vincent's offence was of a grave character, and any Gentleman who had read the *Western Vindicator* would see that Mr. Vincent proclaimed, that the constitution of this country, however much it might be altered, and after the most extensive reforms that the hon. Member for Kilkenny would ever wish to carry out, would be good for nothing. Until Mr. Vincent should reform that opinion it was impossible that he could be other than a dangerous member of society. To the other part of his hon. and learned Friend's suggestion, he could say, that he might rely upon it Mr. Vincent was in a prison in which he would meet with no improper treatment, for he was not aware that any complaints had ever been made to the committee who managed the Penitentiary, of anything improper. With regard to the general question of prisoners committed for seditious and political libels, it ought to be in the power of the magistrates, and of the Secretary of State, to separate them from other classes of offenders, or even from others of their own class of offenders. There were, indeed, some libels to which it might be desirable to give the extreme penalty of the class, yet the majority of these libels was not of such a grave character, and it ought to be in the power of those in authority to give a greater or lesser degree of punishment, and this alteration he would adopt in the Prisons' Act, which would be proceeded with that evening.

Mr. *Hume* was glad to hear, that the hon. Gentleman proposed to remedy the evil which had been complained of. Still, with regard to the hon. Gentleman's allegation about Mr. Vincent's paper, he must say, that no judicial or criminal allegation had ever been made against the *Western Vindicator*, and therefore, no such allegation ought now to be brought forward in that House. As far as regarded the talents of Mr. Lovett, he had known him for some time, and had seen some of his writings in favour of general liberty, which had excelled any that had yet appeared on the same branches of the subject. Such a man must have felt most severely the punishment he had suffered. Having presented several petitions from the working classes, he could state, that the general feeling among them was, that these parties had been more severely treated than others in a higher station had been, or would be, and he trusted that the remedy which was to be applied now, would place the Government in a situation to prevent a recurrence of such complaints. The treatment that others had received was so different from that received by Mr. Lovett and Mr. Collins, that it was impossible to compare it without feeling involuntary indignation, although he was glad that their sufferings had led to this alteration.

Mr. *T. Duncombe* thought, that the statement of the hon. Gentleman, the Under Secretary of State, was very satisfactory as to the future, and he hoped, that he would say something more than he had to make it satisfactory as to the past. As he understood the hon. Gentleman, he admitted, that some of the prisoners had suffered great wrong, but he had not explained why a distinction was made between the cases of Lovett and Collins, and of Mr. Stevens, who had also been convicted of a seditious libel. He believed, that the latter was in Lancaster gaol, having the governor's apartments, and that he had a much more extended power of seeing his friends. There was also one part of the treatment of those at Warwick which to him required, or appeared to require, an immediate alteration. The two prisoners were required to sleep in one bed, and that a bed not wider than three feet six inches, whilst there was another bed in the same cell in which slept a convicted felon. And this, be it recollected, was the treatment of superior men. For he believed that there was not a better disposed, or a more amiable man in private life, than Mr. Lovett, and he believed, also, that Mr. Collins's private life was without blemish. Why were such men so treated? Why should it continue one hour longer? That was what he wanted to know from the hon. Gentleman, the Secretary of State for the Home Department. Mr. Lovett's libel, after all, was only for the publication of what he had heard over and over again stated in that House—that the introduction of the London police was the cause of all the rioting. The two hon. Members for Birmingham had said that again and again; and that was all that was stated in the resolutions forming the groundwork of the libel, and which called upon the people to resist their introduction. The burning did not take place till afterwards; and for that Lovett and Collins were in nowise responsible—they were at that time safely locked up in Warwick gaol. The treatment of the prisoners having been so severe, and so contrary to former precedents, would, he hoped, induce the Government now to discharge them. He only wished that he had seen in their places the hon. Baronet, the Member for Wilts (Sir F. Burdett), and the right hon. Baronet the Member for Nottingham (Sir J. C. Hobhouse); who were the Lovetts and Collinses of former days, for he would have asked them how they would have liked the treatment which had been detailed to the House by the hon. Member for Bridport; a detail that he hoped would have its due effect upon the noble Lord, the Secretary of State for the Home Department.

Mr. *Fox Maule* must deny that the London police was the cause of the rioting. The inspector of the police had been tried at the late assizes for his conduct during the riots, and had been acquitted by the jury, and praised by the authorities.

Viscount *Sandon* did not rise for the purpose of palliating the offence committed by these persons, but he must say that their situation, as detailed by the hon. Member for Bridport, was such as it ought not to have been. He thought that the Legislature ought to accommodate punishment to the general condition of the parties, and by no means impose any that public feeling did not go along with. With these views, although he believed the crimes of which the prisoners had been convicted were of a very mischievous description, yet they belonged not to any degradation of mind, and indeed were frequently the errors of a generous character. He joined in offering his support to the recommendation which had been given to the hon. Gentleman, the Under Secretary of State, to consider again these cases, with the view of mitigating the sentence.

Sir *Eardley Wilmot* felt, that after the statements of the hon. Member for Bridport, and of the hon. Gentleman the Under Secretary of State, it was not necessary to say any thing in defence of the magistrates of Warwickshire. The hon. mover had indeed admitted that they only carried out the law as they found it, and that it was not their fault, but the fault of the law itself. For himself, he thought that misdemeanours of words and misdemeanours of deeds ought to be treated differently. There was one point he would notice in answer to the hon. Member for Finsbury. It was known that the charter for Birmingham was in the course of litigation, and was not likely to be settled for some time, as one party or the other would appeal against the jury's decision whichever way it was. In the interval all the prisoners committed from Birmingham were sent to Warwick gaol, and the consequence was, that it was so crowded that he believed the prisoners were obliged to sleep three in a bed all over the prison, and the magistrates hardly knew what to do. With reference to the appeal which had been made to the Secretary of State to remit the remainder of the punishment, he believed that the visiting magistrates had the power, upon application from the Secretary of State, to report the conduct of prisoners under sentence, and if it had been good the Secretary of State could, upon that ground, remit the punishment. He was sure that he had known such reports sent up from Warwick, and the punishment thereupon remitted. If the hon. Gentleman, the Under Secretary, would allow him to apply to the visiting magistrates to report, and if that report should be that the prisoners' conduct had been exemplary, there would then be fair, legal, and constitutional grounds for exercising mercy towards them. He had himself inquired of the gaoler what their conduct had been, and the answer was,

> "I have had to complain of no single thing; their conduct has been unexceptionable—no two persons could act better."

If the Secretary of State would have the same inquiry made, he would doubtless receive a similar reply, and the wishes of hon. Members could be thus gratified.

Mr. *C. P. Villiers* hoped that for what the hon. Baronet suggested the magistrates of Warwickshire would not wait for any request from the Home-office, but that the hon. Baronet and the visiting justices would feel no hesitation in taking the course which they had the power to do. A discretion as to the report of good conduct was placed in their hands, and they ought to exercise it, even if they were not asked by the Secretary of State.

Mr. *Hawes* observed, that under the 16th section of the Gaol Act the magistrate could recommend the prisoners to the mercy of the Secretary of State, and then the punishment could be remitted. As no one Member on the opposition side of the House had dissented from the appeal that had been made, and as he was sure that no one would dissent, he hoped that the hon. Gentleman, the Under-Secretary of State, would communicate to the noble Lord, the Secretary of State, the general feeling that prevailed upon this point.

Mr. *Warburton* would not go into a discussion on the new ground to which he was invited by the remarks of the hon. Gentleman, the Under-Secretary of State, as to the difference between the offences of the present prisoners, and those of the hon. Members for Wilts and for Nottingham; he would only state the description which was given in the papers already laid upon the table of the House of Mr. Lovett's character. He was said to be a mild, civil, moral man, self-instructed, but very diligent in inquiring after knowledge. And, after the general discussion that had taken place this session as to the superior efficacy of mild punishments, he hoped that the noble Lord, the Secretary of State, would approve of the general principle, and under all the circumstances of this case, and with persons who had borne such a character, extend to the prisoners the benefit of a mitigated sentence.

Motion agreed to.

GRAMMAR SCHOOLS.] Sir *Eardley Wilmot*, in moving the second reading of the Grammar Schools' Bill, said that it in no way interfered with, or altered the foundation of the grammar schools, or the objects of the founders; it was intended to carry out, enlarge, confirm, and improve the schools, so as to make them what the founders intended—useful means of affording education to the public. It was strange that with 430 grammar schools in the country, owing to the change in the times, &c., in some instances to neglect, but chiefly to the expense of appeals for proper regulations to the Court of Chancery, the schools should in many instances be useless, and the legacy of our forefathers thus flung away. The only purpose of this bill was to give a remedy to trustees of grammar schools, for the better application of the funds, at an expense of 30*l.* or 50*l.*, which they could not now obtain under 500*l.* or 1,000*l.* When they went into committee, many amendments would doubtless suggest themselves, but even as it stood, he thought the bill was as good a bill as could be adopted.

Bill read a second time.

PRISON REGULATIONS.] Mr. *Fox Maule*, on moving the further consideration of the report of the committee on the Prison Regulations' Bill, said that he would take that opportunity of introducing the alterations giving power to the proper parties to make rules and regulations for the classification of those convicted of misdemeanours so as to reach persons convicted of libels.

House in committee.

The following words were added to the preamble:—"And whereas several of such rules and regulations ought not to be applied to persons suffering imprisonment upon convictions for writing and publishing, or for procuring to be written and published seditious libels, or for uttering seditious words;" and the other necessary alterations having been made in the clauses, the House resumed, the report to be received.

SOAP EXCISE ACTS.] Mr. *Robert Gordon* moved that the House should go into committee on these acts. At present there were forty acts affecting the regulation of the excise duties on soap. He intended to consolidate these acts into one, and also to carry into effect the recommendations of the Commissioners of Excise Inquiry, which had met with the approbation of the trade generally. The present regulations materially interfered with the manufacture, and prevented our competing with foreigners. He did not, however, propose to proceed with the bill till every person had had time to consider the act, and to make every necessary inquiry.

House in committee, and resolutions agreed to.

HOUSE OF COMMONS,

Wednesday, April 15, 1840.

MINUTES.] Bills. Read a first time:—Imprisonment for Debt (Ireland); Royal Burghs (Scotland); Police Rates Assessment; Exchequer Bills; Soap Duties.

Petitions presented. By Admiral Adam, from Clackmannan, for, and by Mr. J. Round, and Lord Ossulton, from two places, against the Repeal of the Corn-laws.—By Mr. Hume, from several places, for an Extension of the Franchise, and the Ballot; also from Dumbarton, for a Mitigation of the Punishment of Frost, Jones, and Williams.—By the Attorney-general, from Edinburgh, in favour of the Inland Warehousing Bill.—By Mr. T. Duncombe, from a number of Individuals, against the removal of Vincent from Monmouth.—By Captain Gordon, from several places, for Settling the Scotch Church Question.—By Mr. Wakley, from Greenock, for Annual Parliaments, and Vote by Ballot; from Surgeons at Stowe, and Bridgenorth, for Medical Reform.—By Mr. W. Ellis, from Market Harborough, against the Opium Trade.—By Sir R. H. Inglis, from numerous places, for Church Extension, and against the Clergy Reserves Bill.—By Mr. B. Smith, from Norwich, for Church Extension.—By Lord G. Somerset, from several places, for the same.—By Lord Morpeth, from a number of places, for and against Church Extension, and in favour of Non-Intrusion; also from Medical Men of Ireland, for Reform of the Medical parts of the Poor-laws.

BUSINESS—ADJOURNMENT—DISPUTE WITH NAPLES.] Lord *John Russell* said, that in moving the adjournment of the

House, it might be convenient to the House that he should state the course which he intended to pursue with respect to the public business, which stood fixed for certain days after Easter. He intended to propose that the House, at its rising, do adjourn to Wednesday, the 29th of April, on which day, of course, orders of the day would have precedence of notices. He believed, however, that the hon. and learned Gentleman, the Member for Reading, wished to bring on his Copyright Bill on that day. On the Friday following he would not proceed with the Ecclesiastical Duties and Revenues' Bill, but would defer it to a future day. On Friday, the 1st of May, and on Monday, the 4th of May, it was intended to proceed with votes in committee of supply and the miscellaneous estimates; and on the Friday following, namely, the 8th of May, his right hon. Friend, the Chancellor of the Exchequer, would make his financial statement. He had already fixed the committee on the Canada Bill for Monday, the 11th of May, and he should propose to proceed with it on that day, in which case he would postpone the Ecclesiastical Duties and Revenues' Bill till the following Monday, namely, the 18th of May. He would now move that the House, at its rising, do adjourn to Wednesday, the 29th instant.

Viscount *Mahon* begged to ask the noble Lord, the Secretary for the Colonies, in the absence of his noble colleague, Secretary for Foreign Affairs, whether any directions had been issued for commencing a blockade, or taking other hostile proceedings against Naples?

Lord *John Russell* said, that certainly instructions had been given by her Majesty's Government with respect to the sulphur monopoly, and further instructions had been given, that in case, within a certain time, there should not be a satisfactory answer received from the Neapolitan government, that, in that case, the British admiral commanding in the Mediterranean, should detain all ships sailing under the Neapolitan flag, or belonging to Naples. These instructions had been sent out, and the last intelligence which the Government had received from Naples was, that our minister at the court of Naples, having delivered a note, had received a reply, which was evasive and unsatisfactory. The ambassador upon this had communicated with the admiral, who had at that time under his consideration what measures he should deem necessary to adopt, to carry into effect the instructions he had received.

Lord *Mahon* had a further question to put as to the authenticity of a document which he had seen in the public prints, and which purported to come from the British consular authority at Naples, and directed to British merchants.

Lord *J. Russell:* I have not seen it.

Mr. *Hume:* I will read the document to the noble Lord. The hon. Member then read the following document:—

"Gentlemen—I am directed by the hon. W. Temple, her Britannic Majesty's Envoy Extraordinary to the court of Naples, to inform the British merchants resident in this kingdom that circumstances have arisen which very probably will oblige the naval forces of her Majesty to make reprisals upon ships sailing under the flag of the Two Sicilies, and to warn them to make such reserve in their shipments on board such vessels as in consequence of this notice they may think right. I hasten to communicate this information to you, and if any ulterior measures tending to fetter British commerce are deemed necessary, or may arise, you may rely upon my making you acquainted with them.

"April 2, 1840. "TH. GALWAY."

Before the House adjourned for a single day, there ought to be given some explanation with regard to the treaty which had been agreed to be signed and ratified on the 1st of January last, by which the sulphur question was conceded. Why had not the treaty been carried into effect? The House ought immediately to have a copy of all the correspondence that had taken place, as it was likely that war would be the consequence. They were at war with China already; they were obliged to maintain a fleet on the coast of Turkey; matters in North America were in a very precarious state, and now they were to have a war with Naples. The House ought not to adjourn a single day until they received some satisfactory explanation upon the subject.

Lord *J. Russell* said, he had not seen the document which the hon. Gentleman had just read, but he was aware that her Majesty's minister at Naples had given instructions to the consul to issue a notice to British subjects and merchants, and he did not see any reason to question the fact that the document read by the hon. Gentleman had been issued in pursuance of such instructions. With regard to the general question of the commercial treaty, he thought that the House and the hon. Member had already received an answer from his noble Friend, the Secretary of State for the Foreign Department. There was a proposal made for a commercial treaty, but no authority had been given on the part of the Neapolitan government to sign that treaty, and no treaty satisfactory to the commercial interests of this country had been agreed to by the Neapolitan court. With respect to the sulphur monopoly, that was a question upon which her Majesty's Government held that the stipulations of a former treaty had not been complied with. Therefore, what they demanded from the government of Naples was, that the stipulations of that former treaty should be complied with, and that British merchants should not be injured by a violation of that treaty. This subject had already excited attention in this country, and it was probable that the hon. Member for Kilkenny was aware, as most persons were aware, that there had been a discussion in the other House of Parliament concerning it, and her Majesty's Government were accused of being very tardy and remiss in not demanding satisfaction for a clear violation of a treaty.

Mr. *Hume* said, that he did not accuse the Government or the Secretary for Foreign Affairs with culpable neglect, but that House ought to know, before the country was involved in a war, every circumstance connected with the subject. The House had better adjourn till to-morrow.

Lord *J. Russell* said, that he did not think that any papers that the Government could lay before the House would materially alter the question. Before the discussion on the subject came on he thought the hon. Member for Kilkenny had better make up his mind, whether the Government had been tardy and remiss, or whether they had been hasty and intemperate in bringing this matter to at conclusion.

Sir *J. Graham* begged to ask, whether any order in council had been passed for detaining Neapolitan vessels until reparation should be obtained, as in the case of China?

Lord *J. Russell* said, that no order in council had been issued, as none was necessary. In China such an order was rendered necessary by the time that must elapse before communications could be held with this country.

Sir *J. Graham* said, that the noble Lord had admitted that instructions had been given to the British admiral under certain circumstances to detain all Neapolitan vessels. He had yet to learn that, according to the law of nations, any such proceeding could be authorised without an order in council.

Lord *J. Russell* said, he would not then enter into a dispute with the right hon. Baronet with regard to the law of nations. He trusted that the Neapolitan government, either upon its own motion, or by the advice of others, would give satisfaction on this subject; in which case all vessels that might be detained would be released without the necessity of bringing them before any court of admiralty.

Motion for an adjournment agreed to.

TOTNESS ELECTION.] Sir *T. Fremantle* said, he had that day received a communication from Devonshire, stating, that the writ which had been received by the under-sheriff he had in vain attempted to serve on the Friday and Saturday, but that he had since been able to serve it on the Monday, and as that was within the time allowed by the Act of Parliament and as the mayor had given notice of the election, he trusted that the delay which had occurred would not lead to any inconvenience, and he should, therefore, not bring forward the motion for inquiry of which he had given notice.

LORD SEATON'S ANNUITY.] On the order of the day for the third reading of Lord Seaton's Annuity Bill,

Mr. *Hume* wished to remind the House of the valuable sum which it was proposed to grant to Lord Seaton. The grant, he believed, would amount to about 150,000*l*; and he wished to ask the House, if they were prepared in the present state of the country, to grant so large a sum to one who had departed in many instances from all the principles on which Englishmen should act. He thought the noble Lord was in no way entitled to receive this sum for his services, and he therefore proposed to reject the bill altogether.

Lord *J. Russell* said, he had but one answer to make to the charges against Lord Seaton, and that was, that he was sure those charges made no impression upon the public mind. People of all parties were, on the contrary, agreed as to the merits of that noble Lord.

Mr. *Hume* moved, that the bill should be read a third time on that day six months.

Mr. *Ward* would vote against the principle of a grant for three lives. He would not, however, enter into a discussion on the conduct of Lord Seaton, but he should say that he entirely disapproved of the extent of the grant, and the attempt to create what he should call a pauper peerage. On these grounds he should vote for the motion of his hon. Friend the Member for Kilkenny.

The House divided on the original question—Ayes 77; Noes 17—Majority 60.

List of the AYES.

Abercromby, hn. G.R.
Acland, Sir T. D.
Adam, Admiral
Alston, R.
Baillie, Colonel
Baillie, H. J.
Baring, rt. hn. F. T.
Baring, hon. W. B.
Barnard, E. G.
Bernal, R.
Blackburne, I.
Blair, J.
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Byng, rt. hon. G. S.
Campbell, Sir J.
Chute, W. L. W.
Copeland, Alderman
Craig, W. G.
Cresswell, C.
East, J. B.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Ferguson, R.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hastie, A.
Heathcote, Sir. W.
Hobhouse, T. B.
Hodgson, R.
Holmes, hon. W. A'Court
Hope, G. W.
Hoskins, K.
Inglis, Sir R. H.
Irving, J.
Jones, J.
Lemon, Sir C.
Lushington, rt. hn. S.
Lygon, hon. General
Mackinnon, W. A.
Macnamara, Major
Mahon, Viscount
Maule, hon. F.
Maunsell, T. P.
Mildmay, P. St. John
Packe, C. W.
Palmer, G.
Palmerston, Viscount
Perceval, hon. G. J.
Polhill, F.
Richards, R.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Seymour, Lord
Sinclair, Sir G.
Smith, J. A.
Smith, A.
Smith, R. V.
Somerset, Lord G.
Stewart, J.
Stock, Dr.
Vere, Sir C. B.
Vernon, G. H.
Wodehouse, E.
Wood, G. W.
Wood, Colonel T.
Wrightson, W. B.
Young, J.

TELLERS.
Parker, J.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Bridgeman, H.
Duncombe, T.
Ewart, W.
Godson, R.
Hawes, B.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Morris, D.
Muntz, G. F.
Salwey, Colonel
Vigors, N. A.
Wakley, T.
White, A.
Williams, W.
Yates, J. A.

TELLERS.
Ward, G.
Hume, J.

Bill read a third time and passed.

PRISON REGULATIONS.] Report of the Prisons' Regulations Bill brought up.

Mr. *Greene* thought it a matter of great importance, that some general and uniform system should be introduced into all the prisons in the country with regard to debtors. He thought it led to great dissatisfaction, that one set of visiting justices should lay down one set of rules in one county, and another set of visiting justices different rules in another.

Mr. *Hawes* thought the whole subject was one which ought to be proceeded in with very considerable caution, because he hoped the time was not far distant, when a report would be laid before that House recommending that imprisonment for debt should be altogether abolished, except with regard to fraudulent debtors. But to this class of persons a punishment would be awarded for misconduct, and they ought to suffer for that misconduct according to the rules of the gaol, and ought not to be considered as debtors under the ordinary acceptation of the term.

Mr. *F. Maule* said, the question was one which required to be treated with great delicacy. The object of the present bill was merely to relieve debtors from the stringency of certain rules at present in force at prisons.

Lord *G. Somerset* said, there was another point to which the attention of the Government ought to be directed, he meant the exceedingly anomalous position in which gaolers of the county prisons were placed. They were the servants of the high sheriff, whereas the rules and regulations for the management of the gaols were made by the county magistrates. The inconvenience of such an arrangement ought to be done away with.

Mr. *Wakley* hoped the Government would be disposed to go a step further, and take the regulations of gaols altogether out of the hands of the justices of the peace. His opinion was that they, of all persons, were the most incompetent for the conduct of such business. The Government should appoint some responsible persons, who would be paid for the discharge of their duty, and not act in the factious spirit in which the magistrates too frequently acted with regard to certain prisoners. Until these regulations were taken out of the hands of the magistrates the country would never be satisfied. He wished to know, whether the noble Lord had made any regulations with respect to prisoners committed under the coroner's warrant, because a short time since he had occasion to have a female prisoner from Clerkenwell to give evidence before him, and upon that prisoner being sent back, the officer refused to receive her.

Lord *J. Russell* said, that some time since an order in council had been issued, by which Newgate was the prison to which the coroner was authorised to send persons committed by him. The order in council, however, did not extend to any other prison.

Report agreed to.

PRIVILEGE. — STOCKDALE *v.* HANSARD.—DISCHARGE OF THE SHERIFFS, &c.] — Sir *R. Inglis* did intend, in the motion which he was about to make to the House to include all the parties committed by the House for a breach of privilege, but finding that such a course would not be so convenient as a separate motion for each party, he would adopt that suggestion. He could have wished that the task had been undertaken by the noble Lord, the Secretary for the Colonies, who, with his colleague, would have the grace of what he would then call, not an act of justice, but one of mercy, and who would also have the cordial support of the House in carrying the motion. However, not apprehending any opposition to the three first motions which he was about to submit to the House, he would avoid all provocative language, and content himself with saying, that the time was now come when the House would unanimously concur in this proposition, "That the order for the appearance of Mr. Sheriff Evans at the bar of the House on the 6th of May next, be forthwith discharged."

Lord *J. Russell:* I had placed a similar notice upon the paper, and I cordially second the motion of the hon. Baronet.

Motion carried.

Sir *R. Inglis* moved that Thomas Howard, jun., the son of Thomas Burton Howard, and who was committed to the custody of the Sergeant-at-arms for conducting the action in the cause of Stockdale *v.* Hansard, according to the instructions of his father, be forthwith discharged without payment of the usual fees.

The *Attorney-General* would suggest the propriety of omitting the recital after the name of Thomas Howard, jun., because it was unnecessary.

Sir *R. Inglis* acceded, as he was anxious to proceed in a conciliatory manner; but the language he used was the identical language of the resolutions upon the books of the House.

Motion agreed to.

Sir *R. Inglis* moved, that Thomas George Johnson Pearce, clerk to Thomas Burton Howard, &c. be discharged.

Mr. *Warburton* did not intend to make any objection to the motion, but he would be glad to know in what manner the privileges of the House had been vindicated? There had not been a petition even presented from any of these persons deprecating the justice, or soliciting the forgiveness of the House. But the House was informed that as an Act of Parliament had been recently passed, the entire matter would be buried in oblivion.

The *Attorney-General* said, that if these individuals had suffered punishment which the House considered sufficient, he did not see why they should not be discharged. There was no receding from the privilege either by the motion made by the hon. Baronet, or by the bill which had been lately passed, and which was an act merely to afford "speedy protection" to publications made by the order of the House.

Lord *J. Russell:* After the remark made by the hon. Member for Bridport, it is necessary for me to state, that in agreeing to the motion, I do not agree to it on the ground stated by that hon. Member. I agree to it, because, with regard to Mr. Howard, jun., and to Mr. Pearce, they were the inferior instruments in the actions brought by Stockdale against the printers of the House, and in committing them the House acted in vindication of its privilege. The imprisonment, however, which they have suffered I deem a sufficient atonement for the offence they have committed; considering, as I have already said, that they were merely the inferior instruments. But I do not agree to their release on account of the Act of Parliament which has recently passed, which does not make any difference with respect to the privilege of the House.

Motion agreed to.

Sir *R. Inglis* hoped that the next motion which he was about to propose would be passed with as little opposition, and which stood upon equal grounds of justice as those which preceded it. The motion which he meant to propose was for the release of Thomas Burton Howard himself, who was entitled to release, on the ground stated by the noble Lord (Lord J. Russell), with respect to the son and the clerk; viz., that he was an inferior instrument. However, if that was a good reason now, it would have been a more conclusive one for not committing him or any of the parties for whose release he then moved. It was now too late for the House to state, that they could detain any person for an appeal to a court of law on any matter connected with the publication of a libel by the House. By assenting to the bill which had recently passed, the House admitted that a court of law alone could give summary protection to persons engaged in printing Parliamentary papers, and the House, moreover, by that bill, established the principle, that an appeal to a court of law was not inconsistent with the privileges of the House. Whatever might be done before the committal of these individuals, it was then clearly ascertained by the bill, the last clause of which declared and enacted, that nothing therein contained should be deemed or construed to affect the privileges of Parliament in any manner whatever. If such be the case, and if it were not, as appeared by the provisions of that bill, inconsistent with the privileges of the House to appeal to a court of law to-morrow, what violation of privilege could there be in appealing to a court of law on Monday, or last week, or last month, or last year, or at any time. The bill stated that the privilege of Parliament was not affected by its clauses, and that bill gave, at the same time, power of appeal to a court of law; where, then, could there be the breach of privilege? The moment the House affirmed an appeal to a court of law without a violation of its privileges, from that instant he held that it could not punish any person on such ground for a breach of privilege. It therefore followed that Mr. Stockdale had not, by applying to a court of law, violated the privileges of the House, and *a fortiori*, Mr. Howard, who was merely his attorney, and who ought not to have been committed in the first instance. He would now proceed with his motion, and avoid those recitals to which the noble Lord and hon. Gentlemen opposite had dissented; but, before he read the terms of his motion, he would state a fact that Mr. Howard had refused by letter to take any part in the action brought by Mr. Stockdale, and it was not until Mr. Stockdale appealed to him upon professional grounds, charging him with a neglect of duty to him as his client, that he took any part in the proceedings. There was another ground which it was important for the House to recollect, it was this, that if the House wished to make Mr. Howard a rich, a powerful, and a triumphant man, they would refuse the motion. Mr. Howard had taken an action against the officers of the House for excess of duty; that action was proceeding in despite of the House, and, when it ripened to a hearing, a British jury will give him such damages as will make him a rich man, in compensation for the loss of liberty he will suffer by the rejection of the motion—rich and triumphant, if not powerful, the rejection of the motion will indubitably make him. He begged to move, "That Thomas Burton Howard, having on the 6th of February, been committed to Newgate by a warrant from the Speaker, under the orders and resolutions of the House, because, as attorney for John Joseph Stockdale, he served a writ of summons upon Messrs. Hansard, the printers of this House, to cause an appearance to be entered in the court of Queen's Bench, in an action at the suit of John Joseph Stockdale, in respect of a publication ordered by authority of this House, be forthwith discharged."

Lord *J. Russell* confessed, that he was not disposed, when he came down to the House, to agree to the motion which the hon. Baronet had just made; but even if he had been disposed to agree to it, everything the hon. Baronet had said ought to induce the House not to accede to this motion. Before the hon. Baronet spoke, he was afraid it might be implied by some persons that the House considered it had not the privilege of committing Mr. Stockdale and Mr. Howard for this action, but the hon. Baronet had specially removed any such implication. He denied that the bill, which was now part of the statute law of the land, had made any difference in relation to the privileges of the House—privileges which had so frequently been asserted by a majority of the House, and which he (Lord J. Russell) should be ready again to exercise in any future case that might occur. The House had never resigned any of its powers, or abandoned any of its privileges, by passing the Printed Papers' Act. On the contrary, it was stated in the preamble of that Act, that those powers and privileges were necessary to the House for the due performance of its functions, and it then went on to state, that the Act was passed for the purpose of giving more speedy protection, in case the privilege was invaded, against all civil or criminal proceedings which might be instituted against any officer of that House acting under its authority. One of the effects of the Act would be, that if during the vacation, or during the approaching recess, any proceedings were instituted against any officer of the House for acts done for the maintenance of the privilege, those proceedings could at once be determined; but it did not at the same time follow, that the attorney who might institute such proceedings would not be guilty of a violation of privilege. On the contrary, should such a case occur, he (Lord J. Russell) should immediately after the recess proceed at once for a breach of privilege and move a commitment, and he felt that he should be as perfectly justified in taking that step after the passing of the Printed Papers' Act as he should have been before. Indeed he might rest his justification upon the last clause and the preamble of the Act itself, for the words "more speedy protection" implied that the protection already existed, but that it was not sufficiently speedy for the purpose. If, for instance, the hon. Member for Warwick obtained an Act of Parliament for summary conviction in cases of petty larceny, though the summary conviction was granted, still cases of petty larceny might go to a jury. It was true that the Printed Papers' Act gave summary protection to the privilege, but it was not true to say, that it took away the other powers of the House, for the power of commitment for violation of privilege remained the same as before. With this view of the case, he felt himself bound to oppose the motion. As to the alleged disinclination of Mr. Howard to violate the privilege in the first instance, it was now apparent that, whether from motives of gain or of obstinacy, he was the person who most pertinaciously opposed it; and the best mode of protecting the privilege in future was to show, that the House was not likely to suffer such attempts to pass with impunity. There was no other way to deter others from attempting a like violation, and to show, that the House had not parted with any portion of its powers. In the last action which had been brought by Howard, it could not be alleged, that he was urged on by Stockdale against his will. He, of his own accord, brought an action against the officers of that House, who were only acting in the performance of their duty, who had been guilty of no act of unnecessary violence, nor had exhibited any intention of going beyond their instructions. This action had been undertaken with a view of disputing the commitment which had attracted so much ill-directed sympathy from several hon. Members, and not for the purpose of redressing any real injury sustained by the invasion of this House, or having been subjected to more violence than was necessary for the arrest of his person.

Mr. *Freshfield* thought, that if it were not inconsistent with the honour or dignity of the House, it would be highly desirable that Mr. Howard should be discharged from custody. He would put it to the House whether, as a question of punishment, the detention from business of a professional man for such a period was not quite sufficient. If the noble Lord objected to the discharge at present, it would be accepted as some concession, if it were understood that a similar proposition would be more favourably entertained after the recess.

Mr. *Wakley* did not see, after what had taken place, how the proposition of the hon. Member for the University of Oxford could be consistently opposed by the noble Lord. The noble Lord must confess, painful though the confession might be, that Mr. Howard was upheld in the course he had adopted by the Lord Chief Justice and the Court of Queen's Bench. No person was more opposed than he (Mr. Wakley) to attempts which had been made to violate the privileges which that House possessed, as representatives of the people, but the bringing in a bill to protect the privileges was an admission on the part of the House that it had not the power to maintain them. Yes, he maintained, that the passing of the bill was an acknowledgment of Mr. Howard's right to institute his action, and the only course which it could now with any sense of propriety or show of justice pursue, was to liberate all the parties implicated. By a longer continuance of their imprisonment the House would be seriously injured in public estimation.

The *Attorney-General* had hoped that it would have been unnecessary for him to rise on the present occasion, but the observations which had been made called for some reply. If Mr. Howard had exhibited any signs of submission to the House or have tendered any expression of regret, he should himself at once have seconded the motion for that gentleman's discharge. On the contrary, the course pursued by Mr. Howard was most contumacious, and the case had been argued by the hon. Baronet and others who supported him on grounds which would be subversive of the rights and privileges of the House. It should be remembered, that Mr. Howard was the person who had expressed regret for the part he had taken in the action brought by Stockdale, and, though he did not admit having committed a breach of privilege, he expressed himself sorry for having incurred the displeasure of the House. On that occasion he was not committed to custody, but was let go at liberty after having been reprimanded from the chair; yet in twenty-four hours after he brought another action in the same case. This was a gross violation of the privileges of the House, which ought no to be passed lightly over. The hon. Baronet said, that Mr. Howard first refused to undertake the case of Stockdale until compelled by professional duty. He denied that it was the duty of a professional man to undertake any case which he might be called upon to conduct. He should first inquire if there were good grounds, and finding that not to be the case, he should not proceed. If the House were to consent to this motion on the grounds maintained by the hon. Baronet, it would entirely do away with its power of commitment.

Mr. *Ward* had supported the privilege and the commitment as long as there was a great object to be maintained. That being done, and the punishment already inflicted on Mr. Howard being sufficient, he thought they ought to throw a veil over the past.

The House divided: Ayes 22; Noes 42: Majority 20.

List of the AYES.

Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Castlereagh, Viscount
Darby, G.
Duncombe, T.
Godson, R.
Heathcote, Sir W.
Hope, G. W.
Ingestre, Viscount
Mahon, Viscount
Maunsell, T. P.
Packe, C. W.
Pemberton, T.
Perceval, hon. G. J.
Plumptre, J. P.
Polhill, F.
Richards, R.
Round, J.
Somerset, Lord G.
Wakley, T.
Ward, H. G.

TELLERS.

Inglis, Sir R. H.
Freshfield, T.

List of the NOES

Aglionby, H. A.
Baring, right hn. F. T.
Barnard, E. G.
Blackburne, I.
Bowes, J.
Campbell, Sir J.
Clay, W.
Davies, Colonel
Elliot, hon. J. E.
Ellis, J.
Ewart, W.
Fox, S. L.
Gordon, R.
Grey, right hon. Sir C.
Grey, rt. hn. Sir G.
Harcourt, G. G.
Hector, C. J.
Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Jervis, J.
Lemon, Sir C.
Lushington, rt. hn. S.
Mildmay, P. St. J.
Morris, D.
Muntz, G. F.
Palmerston, Viscount
Parker, J.
Roche, W.
Russell, Lord J.
Seale, Sir J. H.
Smith, J. A.
Smith, R. V.
Thornely, T.
Tufnell, H.
Vigors, N. A.
Villiers, hon. C. P.
White, A.
Wood, G. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Maule, F.
Rutherford, A.

Sir *R. Inglis* proposed a similar motion with respect to Mr. Stockdale, which was negatived without a division.

Adjourned till April 29.

* * *

HOUSE OF COMMONS,

Wednesday, April 29, 1840.

MINUTES.] Petitions presented. By Sir Walter James, from the Covent Garden Society, in favour of the Copyright Bill.—By Sir R. Currie, from Northampton, against the War with China.—By Sir E. Wilmot, from Bury St. Edmund's, in favour of the Grammar Schools Bill.—By Sir G. Grey, from Glasgow, and Ayr, in favour of the Claims of the Scotch Church to partake of the Clergy Reserves (Canada).—By Mr. V. Smith, Mr. Ewart, Mr. C. Lushington, and Mr. J. Parker, from several places, against, and by Sir W. James, Lord Cantilupe, General Lygon, Colonel T. Wood, and Mr. Gladstone, from a number of places, for, Church Extension.—By Mr. Pryme, from Sutton, for the Abolition of Ecclesiastical Courts, and of Church Rates, and the Release of John

Thorogood.—By Mr. Sanford, from one place, in favour of the Grammar Schools Bill.—By Mr. Sergeant Talfourd, from several places, in favour of the Copyright Bill.—By Colonel Conolly, from a Board of Guardians, against the Power of the Poor-law Commissioners of Ireland.—By Mr. F. Maule, from Elgin, and other places, in favour of Non-Intrusion; and from one place, against permitting Foreign Fishermen to Fish within nine leagues of our Coast.

CAMBRIDGE ELECTION.] Sir *C. Lemon* reported from the Cambridge election committee,

"That the Hon. J. E. T. Manners Sutton is not duly elected a burgess to serve in the present Parliament for the borough of Cambridge; that the last election of a burgess to serve in Parliament for the said borough is a void election; that the petition of Ebenezer Foster and others did not appear to this committee to be frivolous or vexatious; that the opposition to the said petition did not appear to the committee to be frivolous or vexatious."

The hon. Member said he was further instructed to report that the committee had also agreed to the following resolutions:—

"That the Hon. J. E. T. Manners Sutton was, by his agents, guilty of bribery and treating at the last election for the borough of Cambridge; that it appears from the evidence taken before the committee that an extensive and corrupt system of treating prevailed on the part of many influential members of the constituency at the last election for the borough of Cambridge."

Report to be entered on the journals, and the evidence to be printed.

POWER OF THE SUPERINTENDENT AT CANTON.] Mr. *Gladstone* had a question to put to the Under-Secretary for the Home Department with respect to the accuracy of a statement which appeared in the morning papers. It was stated that certain English seamen had, in July last, been tried and sentenced by Captain Elliot, at Canton, to a certain term of imprisonment in England, on account of having been engaged in a riot which terminated in the death of a native Chinese. It further stated that the opinion of the law officers of the Crown was taken by order of the Home Office, as to whether these persons could be lawfully detained in custody or not. That opinion was in the negative, and an order was sent from the Home Office for their discharge. He wished to know whether that statement was correct in all its parts.

Mr. *F. Maule* said, the statement to which the hon. Member referred was not correct in all its parts. It was true that these five men were tried in China by a court constituted by Captain Elliot, and sentenced to a certain period of imprisonment in England. On that being reported to the Secretary of State, the opinion of the law officers of the Crown was taken, and they gave it as their opinion that, as the matter was not quite clear as to whether Captain Elliot could sentence these persons to imprisonment in England, on the whole, they recommended that on the arrival of these individuals in England they should be liberated. The seamen arrived in the Leander two days ago, and they were accordingly liberated.

JUVENILE OFFENDERS.] Sir *Eardley Wilmot* moved that the Juvenile Offenders' Bill be re-committed.

Mr. *Barneby* said, he had received the strongest expressions of disapprobation of the bill, and should therefore move the House should go into committee on it that day six months. He objected to the bill because, by its provisions, crimes of the heaviest nature, if committed by juvenile offenders, were left to the decision of two magistrates; and also on account of the heavy expenditure which would be entailed upon the country in order to carry its provisions into effect. The magistrates had power given them to order the payment of all expenses out of the county rates; and it was also enacted that places should be provided for the holding of petty sessions, which, by one of the clauses of the bill, were prohibited from being held at public-houses. This would entail an enormous expense upon the counties. These he felt to be insurmountable objections to the proposed measure, and he should therefore move that the House do go into committee that day six months.

Sir *E. Wilmot* said, the bill had already been before the House three months; it had been read a first and second time, and had been referred to a select committee, and it was rather hard that the hon. Member should come forward at the eleventh hour with an amendment, such as the one which had been just proposed to the House, more especially as the arguments urged in support of it had been over and over again refuted. The bill was not one of punishment but of mercy, its object being to give prisoners a chance of avoiding the contamination of a gaol. If the measure had been one for the aggravation of punishment, he would admit it might be conferring too great a power on the magistrate; but, looking upon the measure as one of mercy, he thought the arguments of the hon. Gentleman not tenable. He thought that alterations might be made in the bill which would render it a very useful measure. From every part of England he had received communications suggesting amendments in the details of the bill, but approving of its principle; and he, therefore, hoped that the House would not refuse to go into committee on the subject.

Mr. *J. Jones* said, that there were certainly several provisions of the bill which he could not approve of, but he thought that the time had come for taking some step in the matter. Another point worthy of consideration was, whether there should be an option given to the prisoner to have his case decided by the magistrates or before a jury.

Mr. *Pryme* said, his chief objection to the bill was the power of summary conviction. There might be inconvenience from sending persons to prison before trial, but this bill sent them there after trial—and where was the difference? True, the prisoner had the option of having one whipping and being discharged, but might not that be done as well without this summary—not to say arbitrary conviction? Might there not be a jury of six or eight—or a jury at petty sessions. It was said, that three magistrates would be an approach to a jury, but his objection was, the magistrates were not at all of the same class of society as the prisoner; whereas, when a magistrate presided before a jury, the case was decided upon by two classes of persons. He had rather have the responsibility divided among a smaller number of magistrates than a larger. It might be difficult in some cases to get three magistrates to attend. Allusion had been made to the proposal he had made, but what connection was there between abolishing the grand jury, which did not decide upon the guilt or innocence of the prisoner, but was a secret tribunal, and doing away with the petty jury, which did decide upon the fate of the prisoner?

Mr. *Darby* objected to the bill, for several reasons, which he had stated on other occasions, and with which he would not now trouble the House. One insuperable objection, amongst the many which presented themselves against the details was, that the offences in respect to which the magistrate was to have summary jurisdiction were not defined or distinguished from those cases which were to be tried before a jury. He thought the bill would not operate fairly, and he would vote for the amendment.

The House divided on the original motion:—Ayes 70; Noes 20—Majority 50.

List of the AYES.

Baring, rt. hon. F. T.
Barnard, E. G.
Blackburne, I.
Blake, W. J.
Boldero, H. G.
Bowes, J.
Bryan, G.
Childers, J. W.
Chute, W. L. W.
Courtenay, P.
Duncombe, T.
Ewart, W.
Fort, J.
French, F.
Goddard, A.
Goring, H. D.
Grey, Sir G.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hobhouse, Sir J.
Holmes, W. A'C.
Hume, J.
Hutchins, E. J.
Hutt, W.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Jones, J.
Lambton, H.
Lemon, Sir C.
Lennox, Lord G.
Lushington, C.
Lushington, S.
Lygon, hon. General
Mackenzie, T.
Maule, hon. F.
Maunsell, T. P.
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, M. J.
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Parker, J.
Pattison, J.
Philips, G. R.
Polhill, F.
Ponsonby, C. F. A. C.
Richards, R.
Rose, Sir G.
Round, J.
Russell, Lord J.
Rutherfurd, A.
Sandon, Lord Visc.
Sanford, E. A.
Sheil, rt. hon. R. L.
Staunton, Sir G. T.
Stock, Dr.
Strutt, E.
Talfourd, Mr. Serg.
Teignmouth, Lord
Thornely, T.
Vigors, N. A.
Vivian, Sir R. H.
Warburton, H.
White, A.
Wood, Col. T.
Yates, J. A.

TELLERS.

Wilmot, Sir E.
Douglas, Sir C.

List of the NOES.

Buller, E.
Conolly, E.
Darby, G.
Dennistoun, J.
De Horsey, S. H.
Egerton, W. T.
Estcourt, T.
Freshfield, J. W.
Gladstone, W. E.
Greene, T.
Heathcote, Sir W.
Hope, G. W.
Lowther, hon. Col.
Mahon, Lord Vis.
Milnes, R. M.
Nicholl, J.
Norreys, Lord
Somerset, Lord G.
Wakley, T.
Williams, W.

TELLERS.

Barneby, J.
Pryme, G.

House in Committee on the first clause.

Lord *G. Somerset* observed, that he had not opposed the bill in its former stages, because he had understood it was to be referred to a Select Committee, where many of the objections that at present existed to the bill might be removed. He wished to draw the attention of the House to one point particularly, namely, in what way the magistrates were to ascertain the age of the parties brought before them. He did not find anything in the bill to meet that difficulty.

Sir *E. Wilmot* said, the reputed age of the parties must be acted on, as was the case at present.

Mr. *Jones* would suggest that the culprit should have the option of being tried either by a jury or by the magistrates, as he might elect; there could then be no question raised as to the age of the party. He moved that three magistrates form the petty sessions in place of two.

Mr. *Hume* had no doubt the hon. Baronet's only object was, to save innocent parties from a long imprisonment, and to save the young culprit from being locked up and contaminated by a hardened offender; but he (Mr. Hume) did not think he was going the proper way to work. The only remedy would be to have courts sitting in every county in England and Wales, so that the gaols might be delivered at least once in every month. He objected to summary punishment. Magistrates had frequently oppressed the poor, and might do so again. The courts in counties were objected to on account of the expense they would create. But what was all the expense compared with the punishment of the innocent, and the delay of justice? Besides, he did not think the expense would be much increased, for there would be a great saving in the keep of so many prisoners. Magistrates had now enough of power in their hands, and he was unwilling to increase it. The present proposition did not go to the root of the evil, and he thought it would be an act of clemency to the poor and of economy to counties to establish those permanent courts. He entreated the House not to lose time in such paltry trifling, but to take the whole question of the administration of justice into its consideration.

Mr. *Fox Maule* thought the speech of the hon. Gentleman would have been better addressed to the House on the second reading of the bill than now when they were in committee. Although he agreed with much of what had fallen from the hon. Member, yet he considered the present bill a decided step in the amendment of their criminal jurisdiction. He did not see any great advantage in the substitution of three for two magistrates; on the contrary, he thought it would occasion some chance of the failure of justice, and great delay, and he should therefore decidedly oppose it.

Mr. *Darby* did not think the amendment any improvement. With respect to the suggestion of the hon. Member to have the prisoners tried every month, there were at the present moment in East Sussex eight quarter sessions held in the year. The object of the bill was much more extensive than merely to increase the times of trial.

Mr. *J. Jones* said, if the hon. Under Secretary of State proposed to give the prisoner the option of being tried by a jury his objection would be done away with.

Mr. *Wakley* said, there was nothing like reducing responsibility into the smallest possible compass, in order more speedily to discover a wrong-doer, and therefore he considered the appointing of three justices, as proposed by the hon. Member, an evil. If three were appointed and a wrong decision come to, the excuse would be, "Oh! I was urged on by my colleagues?" or if two were appointed it would be, "Oh! I deferred to the opinion of one superior in judgment and age to myself." Therefore, if they were to have this summary power, he would rather it should be confided to one magistrate only. It would be a good thing for the country if three justices were never to assemble together again. He had seen a great deal of justices, and he would say that a more incompetent body of men could no where be found. A body of men more characterised by ill-temper, faction, and the most besotted ignorance, could not be found than the justices of the peace of this country. Within these few days an instance had come under his notice in the metropolitan courts, where, if anywhere, it might be presumed magistrates would be found who knew their duty. By an Act of Parliament, every pauper sent to a county lunatic asylum must be seen by the justices, before he was so sent, and they must have before them some disinterested surgeon to testify to the lunacy of the said person; but the magistrates, in the instance to which he alluded, had neither seen the person nor examined a disinterested surgeon. The common practice was for somebody to say to the magistrates that somebody was mad, and to ask the magistrate to sign a certificate committing somebody to a lunatic asylum; and if somebody was troublesome in the workhouse he was carted off at once to the lunatic asylum. Seeing the errors the magistrates committed, he was averse to trusting them with any further authority. He would say that a person under fourteen years of age was as much entitled to trial by jury as a person of double that age, and in all cases trial by jury should be had recourse to, and not that cases should be disposed of in a summary manner. The Government ought to take this question up, and, to obviate the evil complained of, grant more frequent gaol deliveries. He hoped and trusted that, instead of bringing in some measure such as that before them, the Government would propose one of a more general nature, and which would be better adapted to meet the views of the hon. Baronet the Member for Warwickshire.

Mr. *Estcourt* wished to make a few observations on an opinion expressed by the hon. Member for Finsbury. That hon. Member had perhaps founded his opinion of the magistrates of the country from those with whom he had himself come in contact. And he did not know how the case might be in Middlesex, but he could say that in distant parts of the country the picture which the hon. Gentleman had drawn of the magistracy was as different as light from darkness. He believed that the case which the hon. Member said had occurred in Middlesex could not have taken place in any other part of the country, and he was confident that no magistrate with whom he was acquainted would commit a party to a lunatic asylum without the strongest testimony on the subject. The matter was so improbable that he could not believe it unless it had been stated by a Member of that House. However, he agreed with the hon. Member in doubting whether the bill would have the effect of contributing to the highly humane object of the hon. Baronet who brought it forward—namely, the prevention of that moral contamination which resulted from the confinement of juvenile prisoners previous to conviction. He looked in vain for that power of appeal which might have obviated the evils arising from too summary conviction. He believed the bill to be an infringement on the constitutional principle of trial by jury, and thought that if magistrates were to decide on the cases, the responsibility should be limited, not divided among several.

Mr. *Wakley* trusted, after the remarks that had fallen from the right hon. Gentleman, he might be permitted to mention the names of the parties and of the places.

Mr. *Greene* rose to order. The parties were not there to defend themselves; and the hon. Gentleman had, therefore, better not mention names.

Mr. *Wakley* said, that was the very reason he had not mentioned the names before; but, if it was the desire of the House, he would name the places. He was glad to hear what the hon. Gentleman had said, because he thought it was a practice that could not be too severely reprobated.

Amendment withdrawn.

Several other amendments agreed to.

Mr. *Pryme* rose to move that in certain cases the magistrates should try the charges with the aid of a jury of six persons.

House counted out.

HOUSE OF LORDS,

Thursday, April 30, 1840.

MINUTES.] Bills. Read a third time:—Rated Inhabitants Evidence; Frivolous Suits Amendment.

Petitions presented. By the Bishop of London, and the Bishop of Ripon, from several places, for Church Extension.—By the Duke of Rutland, from Leicester, against the Grant to Maynooth College; from several places, in favour of the Rating of Workhouses Bill.—By Earl Fitzwilliam, from a great number of places, for, and by the Earl of Malmesbury, from a number of places, against, the Repeal of the Corn-laws.—By Lord Redesdale, from Wellingborough, against the Clergy Reserves Bill.

REPEAL OF THE UNION (IRELAND).] The Marquess of *Westmeath* said, he supposed it was within the knowledge of the noble Viscount opposite that a most extensive system of agitation was at present encouraged in the metropolis of Ireland, for the purpose of severing Great Britain from Ireland, and was also aware that the motive assigned for that agitation was, because the other branch of the Legislature had thought fit, in the exercise of its discretion, to entertain a bill brought before that House by a noble Lord, the Member, he believed, for North Lancashire, which had given offence to certain parties. The noble Viscount would not deny that he had the very cordial support of the learned

Gentleman, who, on this occasion, as well as on most others, professed that he, and he alone, understood what the interest of Ireland was, and what might be considered as justice to that country. The necessity for such a bill as that to which he had alluded, and which was strongly condemned by the learned Gentleman, would be made manifest by a reference to the three volumes relative to fictitious votes in Ireland, which had been laid on their Lordships' table, and which exhibited an accumulation of crime that never was exceeded in recklessness and atrocity by the contents of any book in the English language, except, perhaps, the "Newgate Calendar." The object of the present agitation was to give to Ireland the same system of registration that prevailed in this country; and, if the agitators did not succeed in that, then the union was to be repealed. The learned Gentleman to whom he alluded, had not now for the first time professed that his object was to repeal the union. The hon. and learned Gentleman had many times put forward the same declaration; and yet he believed, that when the noble Viscount was questioned on the subject in that House, he admitted that he had offered a high judicial office to that same learned Gentleman, who had avowed his anxiety to repeal the union. Indeed, on more than one occasion, that learned Gentleman had himself declared that the office had been offered to him. Any Member of Parliament, it now appeared, who did not choose to follow in the wake of the learned Gentleman was to be denounced. Those who would not consent to act in blind subjection to her Majesty's Government (which could not stand for one moment without the support which it received from the learned Gentleman) were to be exposed and condemned. Therefore it was, that, under these circumstances, he wished to ask the noble Viscount, whether he would avow that he meant to continue that species of confederation which existed between him and the learned Gentleman, and whether, in conformity with the oath which he had taken at the table, as other noble Lords had done, the noble Viscount had stated to his Sovereign what the effect of the proposed repeal of the union would be, and what in Ireland would be the consequence of the continuance of those disgraceful scenes of agitation? He would further ask, whether the law-officers of the Crown had been ordered to attend those meetings, and to prosecute language of the dangerous description which was said to be used at them? Full notice had been given of the existence of the Repeal Society, and their proceedings were perfectly well known. He should, therefore, ask whether the law-officers of the Crown had been instructed to notice those proceedings; whether the noble Viscount intended to continue that system of confederation which had so long subsisted between him and the learned Gentleman, his object being the repeal of the union; and whether he had informed her Majesty what the effect of the repeal of the union would be, and also the consequences which must result to Ireland from the agitation of the question?

Viscount *Melbourne* was undoubtedly aware of the agitation to which the noble Marquess had alluded. It was nothing new, and he did not think it was so intense as the noble Marquess supposed it to be. It was the old agitation revived; and, as he had said on other occasions, it was a system of which he did not approve, and which he could not, in any respect, sanction or view otherwise than as improper. As to the confederation of which the noble Marquess had spoken, he certainly did not know of any confederation whatsoever; and, as there was no understanding of the kind, he would say nothing more on the subject. As to any advice which he might have given to her Majesty, that was a point on which he could hardly be expected to make a public statement. He hoped, however, that whatever advice he had given, or whatever instruction he had sanctioned, was such as the circumstances required.

POOR-LAW (IRELAND)]. The Marquess of *Normanby* laid on the table a copy of instructions to the Poor-law Commissioners. The noble Marquess said, that in consequence of what had fallen from the noble Duke opposite on a former evening, with reference to a clause in the bill passed last session for amending a portion of the Poor-law Act, he had consulted the law officers on the subject, and they were decidedly of opinion that the 5th section of the act of last session did not interfere with the 85th section of the Irish Poor-law Act, the restrictive force of which still remained, notwithstanding the act of last session. It was not, therefore, necessary for him to introduce any declaratory bill on the subject.

The Duke of *Wellington* expressed himself satisfied with the explanation.—

HOUSE OF LORDS,

Friday, May 1, 1840.

MINUTES.] Bills. Read a first time:—Lord Seaton's Annuity; Law of Evidence (Scotland).

Petitions presented. By the Marquess of Lothian, Earl Beauchamp, and the Earl of Mountcashel, from a very great number of places, against, and by Earl Fitzwilliam, from Liverpool, for, the Repeal of the Corn-laws.—By the Bishop of Durham, from Durham, for Church Extension.—By the Duke of Buccleugh, and the Earl of Aberdeen, from places in Scotland, against the General Assembly, and in favour of Non-Intrusion.

DISPUTE WITH NAPLES.] Lord *Lyndhurst* would take that opportunity of asking the noble Viscount (Viscount Melbourne), whether he would object to lay on the table the treaty signed by Mr. M'Gregor and the Neapolitan minister at the close of last year, and which was to have come into operation on the first of January this year? The provisions of that treaty were well known to all parties connected with the commerce of Sicily and Naples, and they were most desirous that it should be ratified, as they were fully contented with its provisions. As connected with this subject, he wished to correct a misunderstanding as to what had taken place, and what fell from him in March last upon this subject. The facts which he then stated were admitted by the noble Viscount to be correctly stated. The noble Viscount agreed with him that there had been an infraction of the commercial treaty that existed between the Government of this country and that of Naples. The noble Viscount had stated that complaints had been made to the Neapolitan government. An attempt had been made to obtain redress, but nothing had been done in the way of concession. The noble Viscount also threw out that the Neapolitan government was desirous only that the monopoly should last for six months. He at that time complained of the delay that had taken place, and he stated, that if ships of war were sent out, the matter would soon be brought to a successful issue. In stating this, however, he never intended to sanction such proceedings as had since taken place on the part of her Majesty's Government, and upon which proceedings he would now give no opinion.

Viscount *Melbourne* said, it was the intention of the Government to lay on the table of both Houses of Parliament all the documents with respect to the subject. The noble Lord had certainly stated with great correctness what had fallen from him on a former occasion, but whether the inference he had drawn from it was quite so correct, he would not say.

MUNICIPAL CORPORATIONS (IRELAND).] The Marquess of *Lansdowne* had several petitions to present with regard to the Irish Municipal Bill, and as these petitions were of an extremely important nature, it would be necessary for him shortly to explain them, which he thought he could better do that evening than if he delayed it till Monday. The petitions were from proprietors in Ireland, residing in liberties and counties of cities. He believed the opinion entertained by all those proprietors in common was, that it was desirable to join those liberties with the cities. Provisions to that effect had been introduced into the bill of last year, and had met with the concurrence of both Houses of Parliament; but that bill having been thrown out, the measure, of course, fell to the ground. The bill introduced into the other House would have the effect of removing the objections to the present measure. In the discussions which took place on the bill, it was admitted to be a great hardship that the proprietors of land in agricultural districts should be subject to the imposition of rates about to be established by the bill; and it was thought fit last year to connect with the Municipal Bill a provision for separating these districts, and annexing them to the municipal towns, which met with the approbation of the House. Although these petitioners had naturally taken some alarm at the omission of these clauses, they would see that they were subsequently introduced into a bill then before the other House. But these considerations arose out of the details of the measure, though he had felt it his duty to the petitioners to state to the House their views on the subject.

The Earl of *Clare* thought the safest course would be to restore to the present bill the clauses of the omission of which the petitioners complained.

Lord *Redesdale* supported the prayer of the petitions, and concurred in the opinion of the noble Earl. It was somewhat singular that the bill now before the House of Commons had not been introduced until the matter had been stirred up by these petitioners, and that that bill should contain clauses similar to those which had been thrown out by the House of Commons, because they had been introduced in the House of Lords. The petitioners had a right to complain of the manner in which the bill was framed in every respect. Every point that had been mutually agreed upon in a measure should be inserted; but in the present bill no one knew what had been assented to, and what had not.

The Marquess of *Lansdowne* said, the the noble Baron (Lord Redesdale) was mistaken if he thought that Ministers intended to abandon the principle of the Municipal Reform Bill. If he consulted the ordinary channels of information he would find, that when the noble Lord, the Secretary for Ireland, introduced into the House of Commons this Session the bill now on the table of the House, the bill introduced last year was opened, and his (Lord Lansdowne's) noble Friend stated, that it was his intention that the one should follow the other. The separation of the agricultural districts from the town portions of the boroughs, in respect to taxation, was in accordance with the enactments of the English Municipal Reform Bill.

Lord *Redesdale* complained that the Municipal Bill had been brought up to their Lordships on the 10th of March, and that the other bill had not been introduced in the other House until the 11th of April; whereas the two bills were (he was told) to be treated as a joint measure. Their Lordships might have gone into committee upon the Municipal Bill, and even passed it, before they could have any knowledge of the other.

Petitions laid on the table.

CORN-LAWS. — THE AVERAGES.]—Earl *Fitzwilliam,* in making the motion of which he had given notice, as to fiar prices in Scotland, observed that the present high price on the import of foreign corn arose from the comparatively low average price of corn, as compared with the price of that which alone was fit for human sustenance. It was clear that it did not arise from plenty; it arose from another source. He was about to move for papers which would illustrate the singular coincidence which he had stated. The fact was that we had a low average price and a high import duty, not because corn was plentiful, but because it was bad. And now, let their Lordships observe the working of the Act of Parliament. At the very moment that it was most desirable that an ample supply of the best corn that could be had, whether British or foreign, should be brought into our markets, the average being brought down by the unpropitious circumstances of the last harvest, the import duty was raised, and, when we wanted foreign corn, there was an obstacle to its introduction. He knew not whether a more powerful illustration of the fact he was now stating—namely, that foreign corn was excluded because our own was bad — could be given, than the results which must be elicited from the papers for which he was about to move. In one county in Scotland he understood the fiar price of corn was *56s.* a quarter; but if he was not mistaken therewereother counties in which it was much lower. And not only in Scotland, but in the north of England, the price was exceedingly low, as compared with the price of bread corn. In one county where corn was *57s.* a quarter, the quartern loaf was 9½d. These were a few of the circumstances which he ventured to say must—he hoped he need not add unwillingly—force this question on their Lordships' attention. It was impossible but that the Legislature of this country should consider the question of the Corn-laws when bread was sold at a price which far exceeded that which would enable the people, at their present wages, to purchase a sufficient quantity of food. He should conclude by moving for returns showing the fiar prices of wheat in the several counties in Scotland during the years 1838 and 1839.

The Marquess of *Salisbury* wished to know what proof the noble Earl was prepared to give of the assertion that the price of bread corn was dear, while the average price of wheat was low?

Earl *Fitzwilliam,* in answer to the question of the noble Marquess, said, the last crop, particularly in Scotland, was very bad, and consequently brought a low price in the market. In the county of Stirling the fiar price was 38*s.* a quarter. If the noble Marquess knew anything of the trade of a miller, which he hoped he did, because it was the duty of every man who acted as a legislator to be well acquainted with a great number of details which were very unaristocratic, but without being acquainted with which he, nevertheless, could not legislate wisely—he must be aware that the corn which the miller bought at Stirling at the price of 38*s*., and in Westmoreland at 57*s*., was not fit to enter into the composition of bread for human subsistence. It must be kept a long time, and must (unless the miller meant to make his own bread) be put through extensive processes, and require a large outlay of capital, for which he must be remunerated by the higher price at which he sold. These were the grounds on which he ventured to say the price of bread corn was not fairly stated by the averages as exhibited in the *Gazette*. He was wrong in saying that the quartern loaf was 9½*d*., for the quartern loaf no longer existed; but the 4lb. loaf was selling at Peterborough for 9½*d*. He would state another circumstance. Four years ago the Poor-law Amendment Bill came into operation. Four years ago the contract for supplying the poor of the Peterborough Union was 4*d*. for the 4lb. loaf, and now it was 7*d*. or 7¾*d*., making a difference of 70 or 80 per cent. in that period.

The Marquess of *Salisbury* said, the reason the corn was carried wet to market by the farmers was, because the noble Earl, and others like him, kept up agitation on the subject. With respect to the contract for the Peterborough Union, the poor of that union, he presumed, were fed upon thirds, and any contractor would furnish bread of that quality at 4*d*. the 4lb. loaf. He could not see what change the noble Earl wished to have accomplished in this respect, unless he meant to bring the poor to live upon oaten bread, as suggested by the noble Earl (Radnor) near him.

Earl *Radnor:* I beg leave positively to deny that. I contradicted it at the time, and I beg to contradict it now. I never said any thing of the kind.

The Marquess of *Salisbury* said, that the noble Earl had said so, as far as he understood him. The noble Earl certainly said he did not see why the people should not live on oaten bread. At all events, the noble Earl need not have said that he (the Marquess of Salisbury) did not hear him.

The Earl of *Radnor:* The noble Marquess could not hear what I never said. I never said anything about wholesomeness of oaten bread, or anything of the sort; what I said was, that it would not be a bad thing for the people of England to fall back upon roast beef and plum-pudding with barley bread. He had laid the stress on the roast beef.

Corn-Laws—Liverpool Petition.] Earl *Fitzwilliam*, in presenting a petition from Liverpool against the Corn-laws, said, that the mercantile community formed a body not unworthy of their Lordships' attention. Their dealings and opinions entitle them to it. It was to them the country owed its power and pre-eminence in Europe: to them, let him say their Lordships owed their own wealth and station in society. This petition proceeded from a meeting convened by the Mayor of Liverpool, and was signed by him on behalf of the merchants, bankers, and other inhabitants who attended it. It prayed that the hardships which the people so long suffered from a partial and exclusive system might be removed. The second petition proceeded from a meeting similarly convened, and second only in commercial importance to that of Liverpool. It was from the mayor, aldermen, and burgesses of Kingston-upon-Hull. The next was from the mayor, aldermen, and councillors of the borough of Derby; and the next from the mayor, aldermen, and councillors of the borough of Wigan. He had, besides, eighty-one petitions, signed by 36,000 persons, to the same effect, knowing there was one from Boston, than which there was no town more dependent on agriculture for support.

Lord *Wynford* wished to know whether these petitioners were willing to forego the advantage they derived from the protection afforded to their manufactures?

Earl *Fitzwilliam:* Yes. And all the petitions from the great manufacturing towns this year stated the wish of the inhabitants to be, that they should receive no greater protection than other classes. But even if they were not willing to give up the protecting duties, that furnished no argument in support of the Corn-laws; for the protection to agriculture far exceeded thirty per cent., the degree guaranteed to our manufactures when our commercial system underwent a revision some years back. Foreign corn could not be imported until the price reached at least 65*s*., and thus the agriculturist enjoyed not merely the benefit of the duty on foreign corn when the price was high, but of a practical prohibition up to that period.

The Marquess of *Salisbury* said, he saw by the petition from Liverpool, that it did not proceed from the corporation.

Earl *Fitzwilliam:* The noble Marquess had taken an exception to this petition which was unworthy of his station or character. He had never said the petition proceeded from the corporation. It was of more value than if it had, for it was not confined to the corporation, but emanated from the whole body of the inhabitants. It could not well be distinguished by a more authoritative character. The noble Marquess would not, surely, say that the wealth and intelligence of the town were confined to the members of the corporation. The noble Marquess was too well acquainted with Liverpool to make such an assertion. [The Marquess of *Salisbury:* "Hear, hear."] Oh! he saw the noble Marquess chuckled over the inference, that because he stated that there were persons of wealth and intelligence extrinsic to the corporation, men of the same characteristics were not to be found within. His words, however, bore no such construction.

The Marquess of *Salisbury* explained, and said, that all he meant to convey was, that it did not appear who were the persons attending this meeting, and he should be now entitled to move its rejection, as it purported to be from the mayor, bankers, &c., of Liverpool, whereas it was signed only by the mayor. He wished to know from the clerk how he had entered it?

The *Clerk:* In the name of the person signing it.

Petitions laid on the table.

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HOUSE OF COMMONS,

Friday, May 1, 1840.

MINUTES.] Bills. Read a second time:—Exchequer Bills; Soap Duties; Chimney Sweepers.—Read a third time:—Insolvent Debtors (Ireland).

Petitions presented. By Mr. Wilshere, from Hitchen, against Climbing Boys.—By Captain Wemyss, from one place, for an Extension of the Franchise.—By Mr. J. A. Smith, Mr. Scholefield, Mr. Smith, Mr. Dennistoun, Mr. Thorneley, Mr. Grote, Mr. Ewart, Mr. J. Martin, Mr. Brotherton, Mr. P. Scrope, Mr. Lushington, Mr. Hawes, Mr. Ward, and Mr. B. Wood, from a very great number of places, against, and by Lord Eastnor, Messrs. Kemble, Freshfield, W. Duncombe, Milne, Bolling, Darby, Bramston, Sir J. Y. Buller, Sir R. H. Inglis, Lord Sandon, and Colonel J. Wood, from a great number of places, for, Church Extension.—By Messrs. Scholefield, Kemble, Shepherd, Strutt, Milne, Pryme, A. White, Mackinnon, J. Parker, Mildmay, P. Scrope, Hutt, Alston, Grote, Hope, Lord Mahon, Alderman Humphery, Sir J. C. Hobhouse, Lord R. Grosvenor, Sir G. Grey, Sir R. H. Inglis, and Sir E. Wilmot, from a great many places, against the employment of Climbing Boys.—By Mr. Strutt, from Derby, Mr. Ward, from Sheffield, and Mr. Thorneley, from Wolverhampton, for the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts; also for the Release of John Thorogood.—By Viscount Sandon, from Lancaster, for Settling the Scotch Church Question.—By Colonel J. Wood, from several Parishes, against the Rating of Workhouses, or of Stock in Trade.—By Mr. Pattison, from several places, Mr. Hume, from Clerkenwell, and Mr. Grote, from Bermondsey, for the Total and Immediate Repeal of the Corn-laws; and by Mr. W. Duncombe, from York, against the same.—By Viscount Sandon, from Liverpool, for Regulating the Manufacture of Tobacco.—By Mr. S. O'Brien, from Limerick, against the Importation of Foreign Flour into Ireland.—By Mr. Sheppard, from Frome, against the Opium Trade.—By Mr. W. Duncombe, from two places, against applying the Canada Clergy Reserves to any but Church of England purposes.—By Sir J. Y. Buller, from Torquay, against the Grant to Maynooth College.—By Messrs. Thorneley, and Clay, and Colonel J. Wood, from several places, against Rating Stock in Trade.—By Mr. T. Parker, from Preston, and Viscount Mahon, from one place, against the County Constabulary Bill.—By Mr. Hume, from Kilkenny, against the Irish Registration Bill; from several places, for Universal Suffrage; and from Medical Men of Kilkenny, for Medical Reform.—By Mr. Bramston, from one place, for Expelling the Catholics from Parliament.

PORT FOR MAIL PACKETS.] Mr. *Freshfield* wished to put a question to the Chancellor of the Exchequer with respect to the proposed alteration in the port or ports from which the West India mails were hereafter to take their departure. He had heard, upon the authority of a Hampshire paper, that the Government had officially selected Southampton as the future point of departure. His first question, therefore, to the right hon. Gentleman would be whether that announcement was correct. But as a mere negation to that question would not satisfy his constituents, he begged further to ask whether the deputation of Cornish Members who had waited upon the right hon. Gentleman had correctly understood him to state that the Government would not decide on the question until they had taken the opinion of some gentlemen not interested in the question, and who were well qualified to judge of the comparative merits of the five ports which had been mentioned, namely, Falmouth, Devonport, Plymouth, Southampton, and Portsmouth. He wished also to know whether the deputation of Cornish gentlemen correctly understood the right hon. Gentleman to state that when this information had been received, he would draw it up in the form of a Treasury minute, and place it upon the table of that House.

The *Chancellor of the Exchequer* replied, that the statement in the newspaper, to which the hon. Gentleman had alluded, was not correct. The fact was not so.

With respect to the hon. Gentleman's second question, the communication that he (the Chancellor of the Exchequer) had made to the deputation of Cornish gentlemen was this: that it was the intention of the Government to appoint certain gentlemen connected with the navy and the post-office, and utterly uninfluenced by the interests of the different ports, to inquire into the matter and to report to the Government, and as soon as instructions had been issued to these gentlemen, they would be laid on the table. One of the commissioners appointed was Sir James Gordon; another was the assistant-secretary to the post-office; and the third was a gentleman connected with the mercantile marine; their instructions would be framed by the Admiralty, and referred to the Treasury. Every port would have full opportunity of representing its own case, but the instructions were not framed; when they were, he would have no objection to lay them before the House. The ports to which the inquiry would apply were Falmouth, Devonport, Plymouth, Southampton, and Portsmouth.

DISPUTE WITH NAPLES.] Viscount *Mahon*, seeing the noble Lord, the Secretary for Foreign Affairs, in his place, wished to ask him whether any official intelligence had been received of those measures of reprisal which, as the House was informed on a previous occasion, had been directed to be taken against the government of Naples?

Viscount *Palmerston* had received yesterday a despatch, dated the 17th of April, stating that reprisals had commenced, and that the Hydra was then in the Bay of Naples.

MAINE BOUNDARY.] Mr. *Hume* begged to ask whether her Majesty's Government were now able to state in what condition the negociations respecting the Maine Boundary were?

Lord *J. Russell* said, I have some doubt how far it is consistent with my duty to answer the question which the hon. Gentleman has just put to me, but as there is considerable anxiety, and as papers upon the subject have been published in the United States, I think it would be desirable to give a general outline of the case as it at present stands between the United States and this country relative to the Maine boundary. The House will recollect that I stated on a former occasion that there were two very distinct questions to be determined, the one the general question of the boundary, arising out of the treaty of 1783 and the treaty of Ghent, and the other the interpretation of the agreement for the sake of preserving jurisdiction and possession undisturbed by the two parties, made in the course of the spring of 1839. With respect to the former part of the subject, a proposition was made by my noble Friend, the Secretary for Foreign Affairs, in the name of the Government, last year, and the reply to that was a counter proposition of a totally different nature made by the Government of the United States. At the same time commissioners were appointed by the Government of Great Britain, who surveyed a part of the disputed territory, and arrived in this country in January last. Their report was received only a few days ago; it contains matter of very considerable importance, and is now under the consideration of the Government, and an answer will be immediately returned to the last proposition made by the Government of the United States, informing it how far we can fall in with the proposition it has made with the view of bringing this, which is the great question at issue, to an amicable and conclusive termination. That is the only answer I can give at present upon that branch of the subject. With respect to the question relating to the provisional agreement of last year, it is unfortunate that it is upon that question, and almost entirely upon that question, that the recent difficulties have arisen. It is certainly most unfortunate that there should have been this disagreement, not only upon the general question, but also upon the agreements entered into between Sir J. Harvey and General Scott. I think it necessary to inform the House of one or two points upon which both the governor of New Brunswick and the Governor-general of North America, as also the Commander of the Forces, thought the spirit of that agreement was not fulfilled on the part of the American Government. The agreement proposed by General Scott, and agreed to by the governor of Maine, was, that Great Britain should continue for the present to hold the valley of Upper St. John, and Maine that of the Aroostook, without it being conceded that the right was in either. The agreement was in these words:—

"And that he is willing in the mean time, to leave the questions of possession and jurisdiction as they at present stand; that is, Great Britain holding, in fact, possession of a part of the said territory, and the government of Maine denying her right to such possession; and the state of Maine holding, in fact, possession of another portion of the same territory, to which her right is denied by Great Britain."

This agreement was proposed by General Scott on the 21st of March; it was agreed to by Sir J. Harvey on the 23rd of March, and by Governor Fairfield on the 25th. Sir J. Harvey, in his despatch to Lord Glenelg, stated these facts to the Government of Great Britain, and his statement was borne out by the following words of General Scott, in a letter addressed to Sir John Harvey on the 21st of March:—

"Although under circumstances he cannot stipulate upon the subject, I am certain that he does not intend to send any part of such *posse* beyond the waters of the Aroostook River; and that it is his intention so to employ his people in guarding the timber as to be but little observed, and to give the least possible irritation to the people of New Brunswick."

Sir John Harvey, in a subsequent instruction to the warden of the disputed territory, said,

"My understanding of this agreement—that of the people of this province, and I will venture unhesitatingly to say, that of General Scott—was, that there should be a complete pause in the movements on either side, and that things should remain as they then stood, by the armed civil *posse* of Maine retaining possession of the valley of the Aroostook, we denying their right to that portion of the country, and we retaining possession of the valley of the Upper St. John, Maine denying our right to hold it. That such was the true spirit of the agreement, there would be no difficulty on my part in establishing to the entire satisfaction and conviction of every impartial person."

Such having been the understanding of Sir John Harvey, and such being the representations he made to Lord Glenelg, the Government of this country expressed its approbation of the agreement he had made. It afterwards appeared, late in the autumn, that the persons belonging to this civil *posse* of Maine had advanced into the valley of Upper St. John, and had established themselves in a position where the Fish River falls into the St. John, called the mouth or confluence of the St. John and the Fish River. But with regard to what was done by the people of Maine, there was no better authority than the message of the Governor of the State of Maine, in which he said—

"In addition to the labour expended in furnishing tolerably substantial fortifications erected upon the Aroostook, with two large block-houses, and similar buildings at the mouth of Fish River, they have made over one hundred miles of road through the heart of the wilderness."

Now, it appears that one of these block-houses in the valley of Upper St. John, was occupied by between twenty and thirty men, armed with guns and a field-piece, which they fired off in token of taking possession. In consequence of these proceedings there were remonstrances made by Mr. Fox to the government of the United States, and it not appearing that there was likely to be any effectual check put to those proceedings, the governor of the British North American provinces, in connexion with the commander of the forces, has advanced two companies of infantry to a place certainly within the disputed boundary. In the representations made on the part of the United States, there certainly must have been some oversight on the part of the governor of Maine, in his communications to the secretary of state for the United States, in not adverting to that part of the agreement which I have read, but merely referring to another part of the agreement, in which it was stated that they had done nothing to disturb the Madawaska settlement. They confined the limits of the Madawaska settlement within a very restricted boundary, while we contend that it extends to the Fish river. This is another part of the agreement. The ambiguity of the term "Madawaska settlement" had occasioned a disagreement as to the construction of the original words, made use of in the agreement between the governor of New Brunswick and the governor of the State of Maine. However, according to the last accounts received from that country, it does not appear that Maine entertains any intention of going beyond what she has hitherto done. I have been given to understand that such is the opinion entertained on this subject by those on the spot, and I believe that it is also the opinion of the governor of New Brunswick, that the two parties will remain in their present position, and that there is, I will not say no possibility, but certainly no probability, of any collision taking place between the adverse parties. Such being the state of affairs, it appeared to me to be my duty to write to the governor of British America, and to the commander of the forces in that country, to state my opinion that it would be exceedingly desirable, if any ambiguity existed in the instrument agreed upon between the governor of New Brunswick and the governor of Maine, in order to avoid any chance of collision between the adverse parties, that the exact geographical position at present occupied by each party should be distinctly ascertained, and made the foundation of a fresh agreement. Governor Thomson coincided with me in opinion on this point, and in obedience to my wishes he sent to the American government to make such a proposal, adding, which is a matter of great importance, and of which I entirely approve, a proposition that commissioners should be appointed on each side, to see that such agreement should be fairly carried into effect. Such is an outline of the state of affairs at present between the two countries. No doubt it implies, that differences of an unpleasant nature have occurred between the two countries on this question of the boundary, but when I consider how much both countries are interested in the preservation of peace, the great responsibility that will be incurred by whichever country shall have unnecessarily recourse to hostilities, I trust and believe that peace will not be interrupted, but that the whole will end in a formal and amicable settlement of all existing differences.

Subject at an end.

MASTERS OF THE COURT OF EXCHEQUER.] Mr. *Blake* wished to put a question to the noble Lord, the Secretary for the Colonies, relative to the appointment of masters in the Court of Exchequer. It was understood to be the intention of Government to abolish the equity side of the Court of Exchequer, and to give compensation to those who held employment there. He had been informed, however, that a vacancy had lately occurred in the court in question, and that it had since been filled up by the appointment of the hon. R. C. Scarlett. He wished to know whether that appointment had been made with the sanction of Government, and whether it was intended that Mr. Scarlett should also receive a compensation should his office be abolished?

Lord *John Russell* said, that with regard to the first question of the hon. Member, the Chief Baron of the Court of Exchequer had the right, when a vacancy occurred, to fill it up without consulting her Majesty's Government. With regard to the bill now before Parliament, it was intended to transfer one of the masters of the Court of Exchequer, viz.; Mr. Richards, to the Court of Chancery, and to provide compensation for the others. It would be for the House, however, to determine when the bill came before it what course should be taken with respect to providing any compensation for the recently appointed master of the Exchequer.

HOUSE OF LORDS,

Monday, May 4, 1840.

MINUTES.] Bill. Read a second time:—Lord Seaton's Annuity.

Petitions presented. By the Earls of Ripon, and Stanhope, from several places, against the Opium Trade.—By the Earl of Rosebery, the Marquess of Londonderry, the Earl of Haddington, and the Marquess of Bute, from several places, in favour of Non-Intrusion.—By Earl Fitzwilliam, and the Earl of Scarborough, from a number of places, for, and by Lord Willoughby D'Eresby, and the Earl of Cardigan, from several places, against, the Repeal of the Corn-laws.—By the Marquesses of Londonderry, and Westmeath, from Dublin, etc., against the Irish Municipal Bill.—By the Earl Stanhope, from Huddersfield, and other places, for a Free Pardon to Frost, Williams, and Jones.—By the Earl of Haddington, from the Synods of Glasgow, and Ayr, against the Clergy Reserves Bill.—By the Marquess of Bute, from one place, against any Grant to Catholic Colleges.

CANADA—CLERGY RESERVES—JUDGES' OPINIONS.] The Lord Chancellor moved that the learned judges do now deliver their opinion upon the several questions referred to them by their Lordships upon the subject of the Clergy Reserves in Canada.

Chief Justice *Tindal* stated, that on the part of her Majesty's Judges, he had the honour to represent to their Lordships that all the Judges of England, with the exception of Lord Denman and Lord Abinger, had met together in Sergeants' Inn, for the purpose of taking into consideration the several questions which their Lordships had been pleased to propose to them; and that after due discussion and consideration of the several subjects involved in these questions, they had agreed unanimously to the answers to be returned to them. Their Lordships' questions were as follow:—

"1. Whether the words 'a Protestant clergy' in the 31 George 3rd, c. 31, (sec. 35 to 42), include any other than clergy of the Church of England, and Protestant bishops and priests and deacons, who have received episcopal ordination? And if any other, what other? 2. Whether the effect of the 41st section of the 31 George 3rd, c. 31, be not entirely prospective, giving power to the Legislative Council and Assembly of either of the provinces of Upper or Lower Canada, as to future allotments and appropriations; or whether it can be extended to affect lands which have been already allotted and appropriated under former grants? 3. Whether the Legislative Council and Assembly of the province of Upper Canada, having in an act 'to provide for the sale of the clergy reserves, and for the distribution of the proceeds thereof,' enacted that it should be lawful for the governor, by and with the advice of the Executive Council, to sell, alienate, and convey in fee-simple, all or any of the said clergy reserves; and having further enacted, in the same act, that the proceeds of all past sales of such reserves which have been or may be invested under the authority of the act of the Imperial Parliament passed in the seventh and eighth years of the reign of his late Majesty King George 4th, intituled 'An act to authorise the sale of part of the clergy reserves in the provinces of Upper and Lower Canada,' shall be subject to such orders and directions as the governor in council shall make and establish for investing in any securities within the province of Upper Canada the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said reserves, or any part thereof, did, in making such enactments, or either of them, exceed their lawful authority?"

To the first question, the Judges answered—

"We are all of opinion that the words 'a Protestant clergy,' in the 31st George 3rd, c. 31, are large enough to include, and that they do include, other clergy than the clergy of the Church of England."

And when their Lordships asked, "If any other, what other?" the Judges answered, "The clergy of the Church of Scotland." To the second question, the Judges said,—

"We are all of opinion, that the effect of the 41st section of the statute is prospective only; and that the power thereby given to the Legislative Council and Assembly of either province cannot be extended to affect lands which have been already allotted and appropriated under former grants."

In answer to the last question, the Judges said,—

"We all agree in opinion that the Legislative Council and Assembly of Upper Canada have exceeded their authority in passing an act 'to provide for the sale of the clergy reserves, and for the distribution of the proceeds thereof,' in respect of both the enactments specified in your Lordships' question; and that the sales which have been, or may be, effected in consequence, are contrary to the provisions of the statute of George 1st, and are therefore void."

CHINA—OPIUM TRADE.] Earl *Stanhope* presented a petition denouncing the Opium trade, and deprecating the war with China, from a large meeting lately assembled at the Freemasons' Tavern, at which he had himself presided. In the prayer of the petitions he most cordially and entirely concurred; and he begged to take that opportunity of giving notice that it was his intention on the 12th instant to bring forward a motion upon the subject of the opium trade; and as it might tend to their Lordships' convenience to know the precise terms of his motion, he would state them at once.

"That an humble address be presented to her Majesty, to express to her Majesty the deep and fervent regret of this House on learning that an interruption had occurred in the friendly relations and commercial intercourse which have so long subsisted with the Chinese empire; and to represent to her Majesty that these calamities have, in the opinion of this House, been occasioned by British subjects having persevered in bringing opium to China in direct and known violation of the laws of that country; and to request that her Majesty will be generously pleased to take immediate measures for the prevention of such proceedings, which are so dishonourable to the character and so detrimental to the interests of this country; and to assure her Majesty, that if any additional powers be felt necessary for that purpose, this House will cordially concur in granting them."

The Earl of *Rosebery* wished to say a few words in reference to the petition which the noble Earl had just presented from the meeting at Freemasons' Hall. Having been present at that meeting, at which the noble Earl presided, he could not help adverting to some of the resolutions which were adopted at it. The resolutions started with disclaiming any wish to introduce party or political feelings into the questions brought before the meeting; but they prejudged from the outset the whole question at issue between the Government of this country and the government of China. They went on to upbraid her Majesty's Ministers for their conduct in the negotiations which were subsisting between China and this country; rather praised than otherwise the proceedings of the Chinese authorities, and concluded with, he thought, one of the most singular, and he would not hesitate in his place in Parliament to say, one of the most unjustifiable, resolutions, ever adopted at a public meeting in this country—a resolution which neither his loyalty to his Sovereign, nor his sense of duty to his country, would allow him to pass unnoticed. He was alluding, he believed, to the last of the resolutions adopted at the meeting, wherein the persons assembled, and amongst them of course the noble Earl was chairman, declared that the resolutions which had been passed (many of them couched in violent and inflammatory language) ought to be translated into the Chinese tongue, and to be transmitted from this country to be presented to the emperor of China through the chief commissioner Lin. [*a laugh.*] He could assure their Lordships that this was no laughing matter. He held that the same rule should be observed in conducting negotiations between this country and China, as would most undoubtedly be observed in any negotiations between England and any other European country. He could not omit to protest against the line of conduct adopted by the meeting in question; and by the noble chairman and signer of the petition. Before he sat down, he wished to advert to the fact that the petition could only be received as the petition of the chairman who signed it; so that the noble Earl had merely presented his own petition.

Earl *Stanhope*, in reply, would confine himself to a single observation, as there was not a single argument in the speech of the noble Earl opposite, nor anything but idle declamation. The noble Earl had stated, that the meeting prejudged the question; whereas the resolutions were not adopted without full discussion and controversy with the advocates of the opium smugglers, for he would not disgrace the name of merchants by applying it to those persons. He was willing to take his full share of the responsibility of the resolutions, in which there was nothing illegal or reprehensible. No time was specified when they should be communicated to the emperor of China, and that communication might not take place until the whole matter was concluded.

Petition laid on the table.

Municipal Corporations — (Ireland).] Viscount *Melbourne*, in rising to move the second reading of this bill, said, that although he deeply felt the importance of the subject itself, and of the motion he was about to submit to their Lordships, he yet thought, on account of the frequency of the debates that had taken place upon the question, it would be unnecessary for him to obtrude himself upon their Lordships' attention longer than a few minutes. When their Lordships recollected the recommendations that had proceeded from the Throne—when they considered that four bills on the subject had been already introduced into the other House, and sent up to their Lordships, and had received their Lordships' sanction — that the general principle of the measure had been four times sanctioned by their Lordships—it would be conceded that the subject was, at least, stamped as worthy their Lordships' consideration. When it was borne in mind, that in no quarter whatever that he was aware of, had any objection been made to the main principle of the bill, which was the abolition of the corporations of Ireland as they at present existed—when no person had ever argued that it was possible those corporations could, under present circumstances, and in these times, continue in their present exclusive character—it became necessary to consider what could be efficiently substituted in their stead. It was, then, not very necessary for him on the present occasion to take up much of their Lordships' time by arguments on the general principle of the bill, nor indeed to enter much into detail, so far as regarded those particular provisions of the bill which had theretofore, in common with the main principle, received the concurrence of their Lordships. He would, however, briefly beg their Lordships' attention to one or two points. Last Session, a bill had been sent up from the other branch of the Legislature, in which their Lordships had thought proper to introduce great alterations. The bill so altered was returned to the other House, and he must say, that there appeared to be a strong disposition in that assembly to meet their Lordships upon many important points. The matter then only failed of being terminated on account of the great length to which the Session had then extended, and the utter impossibility of settling a matter of such great importance in the exhausted state in which Members of Parliament at that time were. There were likewise some parliamentary objections raised to some of the alterations that had been introduced by their Lordships. Under these circumstances, it was thought wise and expedient to introduce the present measure into the other House at a very early period of the Session. It passed through the other House, not indeed with a great deal of discussion, but, at the same time, with divisions upon every important stage of its progress. Those divisions, however, were supported by small minorities, and the bill was carried through by very large majorities, and he might add, with the support of the principal persons on both sides of the House. There was upon the whole what might be called a general concurrence in the other House to the sending up the present bill to their Lordships. It had also come before their Lordships at an early period of the Session, and the consideration had hitherto only been deferred in consequence of unfortunate circumstances, over which neither the noble Lords on the other side nor himself could possibly have had any control. Upon the whole, however, he did not regret that such a delay had taken place, because it gave a hope that they were at last about to bring to a conclusion this irritating and long litigated question. He earnestly hoped that it might be determined upon the most mature deliberation, by as large an attendance of noble Lords from all parts of the country as could by possibility be procured, and under circumstances that could not afford the slightest ground for any accusation of haste, precipitation, or surprise. It was, as he had before said, unnecessary for him to waste their Lordships' time by stating those things with which they were already familiar, namely, the scope and objects of the bill. Some of the provisions differed somewhat from those of the bills which had been theretofore introduced into their Lordships' House, but upon the whole, the measure was pretty nearly in substance the same as former bills. Schedule A was the same. With respect to the boroughs in Schedule B, the bill at once dissolved the corporations, but did not establish any others in their room. At the same time, power was given to her Majesty, upon the petition of the majority of the inhabitants, to establish corporations. With regard to the corporate property of those boroughs in schedule B, in which commissioners were already appointed under the 9th Geo. 4th, the administration of that property was given by the bill to those commissioners. With regard to those boroughs in which there were no commissioners, the bill made the provision which was adopted in a former Act of Parliament—namely, it divided those boroughs which had more than 100*l.* a year property from those which had less. With respect to those which had more than the 100*l.*, the bill gave them power to establish a set of commissioners for the regulation of their property, but in those boroughs which had less than that sum, the property was to be administered by the guardians of the poor in aid of the rates, and for the general purposes of the borough. It appeared to him that those points were more clearly and distinctly set out in the present than in former bills. It was unnecessary for him to go into those points upon which differences had theretofore arisen in the consideration and discussion of this subject between their Lordships and the other House. One great difficulty was the qualification. The qualification in the present bill, was that which had been adopted on a former occasion—namely, a 10*l.* rating in those boroughs which were in Schedule A, and 8*l.* in the other boroughs. That rating was to continue for three years, and then the same qualification was to be established as in the English Municipal Corporations Bill. There was another point that had given rise to much discussion—namely, the rights of the freemen, which they complained were taken away from them. But it was conceived that ample protection was given by the 6th clause of the bill to all those rights which ought to be protected; and it likewise guarded against some abuses which were likely to arise from the provision that had been proposed by the other side of the House. Another point upon which objections had been taken was the mode of appointing sheriffs. Now, the Government had not, in the present bill availed themselves of the suggestion which had been adopted by their Lordships in the bill of last year. It would be in their Lordships' power, if it seemed good to them so to do, to introduce that provision; but in that respect, as well as upon the point of the general and permanent qualifications for the boroughs, her Majesty's Ministers had made the proposals upon their own principles—principles with which he would conclude the observations he had felt it right upon that occasion to make to the House. Indeed, taking into consideration all those circumstances to which he had adverted—bearing in mind particularly that the sanction of their Lordships had been already given to the principle of the bill—he should not have thought it necessary to take up so much of their Lordships' time as he had done, if he had not gathered from remarks that had been made on a recent occasion, that there now prevailed in some quarters a stronger feeling against the present bill than had been prevalent on former occasions. He would then state that the general ground for passing this measure was, that they should not refuse to Ireland, when it could with safety be granted, that which had been conferred upon and carried into effect in this country. He, for one, had never held such language, nor approved of it when used by others, as that all the evils which had pressed upon Ireland—the destitute condition of her population, and the crime and violence which unfortunately did at times prevail in that country, were to be attributed to her connexion with England, and the impolicy and misrule which had characterised her Government. He had certainly never used such language, and he moreover should consider the use of such language to be highly imprudent, seeing that it could be productive of nothing but annoyance and irritation. As to exact equality between the laws and institutions of the two countries, he had always held that it was necessary to consider a variety of circumstances, such as the differences of situation, and various others. But, at the same time, he had always held that it was of the highest importance that the same degree of confidence should be understood, if possible, to be reposed in the Irish people—that with respect to rights, privileges, and immunities, it was of the last importance they should be placed upon the same footing with this country—that there should by no means be any difference between them, unless there was a clear, distinct, and intelligible reason shown for such difference. It was upon these grounds, generally, that he proposed in this bill, that the English franchise should come into operation at the end of three years, and upon these grounds he proposed that the mode of appointing the sheriffs should be that to which he had alluded; conceiving as he did that nothing now existed that rendered that mode less fit to be adopted than it was on any former occasion. The noble Viscount concluded by moving the second reading of the bill.

The Duke of *Wellington* would follow the example of the noble Viscount in recommending their Lordships to give a second reading to the bill on the table and allow it to go to a committee, in order that they might consider the details of the several provisions. The noble Viscount had stated the grounds on which their Lordships were induced to consider it expedient that the existing corporations should be abolished in Ireland, as they had been in England. It was true that this expediency, which had been felt to exist last year, had been disputed in the course of the present Session by the noble Marquess near him (the Marquess of Westmeath), who had presented various petitions on the subject; and who had moved for certain returns, in order that their Lordships might see whether or not there was any evidence of misconduct on the part of these corporations. However, he should, on general principles, and whatever might be the result of the examination of those papers, be averse to the continuance of corporations in Ireland acting upon that exclusive spirit on which, it must be obvious to all, those corporations had acted for the last fifty years. Under these circumstances, he was from the commencement reconciled to the abolition of the Irish corporations, and he had understood that no objection existed on their part to extinction; but the only question was, whether the borough towns in future should be governed as the other parts of the country had been governed, or whether their affairs should be regulated by new corporations, composed of elected members, which, according to the apprehensions of some persons, among whom he confessed he was one, were likely to be just as exclusive in a contrary sense as the existing corporations had been found to be for the last fifty years. From the time this measure had been introduced, he had been seeking, in common with their Lordships, for a mode of avoiding this evil; that was to say, he had been searching for a mode of establishing a government for the towns in Ireland by election, which should be free from an exclusive spirit. His noble and learned Friend (Lord Lyndhurst) had proposed a system for the government of the towns with which he should have been perfectly satisfied—namely, the extinction of the corporations altogether. This plan was, he believed, entirely satisfactory to Ireland, to their Lordships, and to a large body of persons in the other House of Parliament; but it was finally rejected by the House of Commons, and there certainly appeared no prospect of being able to induce that House to adopt such a system. He did not find that the plan now proposed for the establishment of new corporations in Ireland was very satisfactory to that country, and before he sat down, he would take the liberty of reading a list of towns which had petitioned their Lordships and the other House to be exempted from the operation of the bill. The people did not like the prospect which this bill held out, of being subjected to a large and unlimited taxation. They would prefer to go on as they had hitherto gone on; but at all events they would prefer to have no corporations at all, to the establishment of such bodies as those which it was proposed to form under the present bill. At the same time, he would recommend their Lordships to enter on the consideration of the measure with a view to make it perfect if possible, and they would then have an opportunity of considering in committee these petitions to which he had alluded. The abolition of the corporations was not the only point debated at an early period of these discussions. It was thought desirable, both in this and the other House, that a mode should be adopted of fixing the qualification of the burgesses who were to elect the municipal bodies, which should be independent of the qualification by oath. He was afraid that it had been found that the qualification by oath could not be depended upon in that part of the empire; and therefore, though he had given his assent to the adoption of the principle of forming new corporations, he never agreed to the details of any measure, until he perceived, by the establishment of a Poor-law in Ireland, the existence of some system according to which the qualification of claimants to vote in municipal elections might be clearly made out. But what had happened since the Irish Poor-law Bill had been passed? It had not been fairly carried into execution. The boards of guardians, under whom the Poor-law Bill was to be carried into execution, had not been fairly elected. The Poor-law Commissioners had not performed their duty on that point, and the Government had not obliged them to perform it. The qualification depended on the valuation of property, and that again depended on the independence, honesty, intelligence, and fair dealing of the valuator. Let them have an inquiry into the mode in which the valuators had been named; and it would be found that the law had not been properly carried into execution, purposely to avoid the necessity of fixing fairly the qualification of the voters for municipal corporations. There ought to be some examination into this subject, and the present bill ought not to be passed until some Parliamentary enactment was adopted, guaranteeing that the law would be fairly carried into execution, and that the qualification of the voters would not be mere paper. An amendment had been made on the Irish Poor-law Act, of which he conceived he had some right to complain. He had stated that he had no objection to an amendment consistent with the principle of the act; but when he had gone out of town on public business, and when it was known he could not attend in their Lordships' House, this amendment, which altered fundamentally the principle of the bill of the preceding session with regard to the election of guardians, was proposed and adopted on the third reading of the amended bill, and without notice to any one. The opinion of the law-officers of the Crown had been taken upon the point, and he had read that opinion since the subject was last discussed; he would not give one pin for their opinion; it did not apply to the subject in any one respect. What it said was this—that the operation of the 85th clause of the bill of the former year was not at all affected in its relation with the 82nd clause; but the amended clause in the new bill, which enabled persons to vote for guardians of the poor without paying their rates, remained, and was not affected by the 85th clause of the former bill. In reality, therefore, a trick was played on that House; and so the bill remained till this moment on the statute-book. The noble Viscount said, it was only to last for three years, yet were their Lordships urged to pass this measure through committee upon the faith of these very guardians being elected by persons who had not paid their rates, and could not pay them, under the amended clause introduced into the bill of last session without the knowledge of any body, and most particularly without the knowledge, and in the known absence upon public business, of the person who had taken the principal part in its discussion. He hoped their Lordships would read this bill a second time; but it was impossible that they should pass it through committee without knowing with accuracy how this whole affair stood with respect to the election of guardians and the due execution of the law in Ireland; because if that law was not strictly carried into effect, their Lordships would be placed precisely in the same situation as when the bill was introduced four years ago—that is, without any measure of qualification for burgesses, or any mode of ascertaining the qualification but that which he earnestly recommended no man to trust to—the oath of the party himself. He believed he had given a pretty accurate account of how this bill now stood with reference to the Poor-law Bill. There was indeed another measure which would come under consideration at some future period, namely, the Irish Tithe Bill, also in some way connected with this subject: at least so far connected with it, that both by their Lordships and the other House of Parliament it had been considered that this measure should not pass until the tithe question had been settled. There was some little reason for complaining that the Irish Tithe Bill, as well as the Irish Poor-law Bill, had not been fairly carried into effect; and he therefore earnestly recommended that their Lordships should not part with the consideration of this bill before they took care to ascertain how both questions stood, and especially with respect to the election of guardians and the appointment of valuators. The noble Viscount, in introducing this measure, had declared what he conceived to be the duty of her Majesty's servants on the subject, and stated generally the nature of the clauses of which the bill was composed. He (the Duke of Wellington) certainly did think it extraordinary, this question having been before the country for six or seven years, the subject having been considered, reconsidered, and discussed in every shape by both Houses of Parliament, he did think it extraordinary that this bill should not have reached them in some one or other of its former shapes, containing those provisions on which both Houses had previously agreed. There were some points on which both Houses had agreed last session, and even in former sessions, which were altogether excluded from this bill. He would take, for instance, some of the points which had been referred to by the noble Viscount himself. There was the proposition with respect to the nomination of the sheriffs by the lord-lieutenant instead of by the town-council, an amendment proposed by their Lordships, and agreed to by the House of Commons, he believed in 1835 or 1836; he had a note of it.—[Viscount *Melbourne:* I don't deny it.] Then, he should like to know why the noble Viscount did not try to get his majority in the House of Commons—he begged pardon—not majority, but friends, in the House of Commons, to adopt that proposition instead of that which had been inserted in the bill now before their Lordships. Was it a just and proper principle, or was it a bad one, that the sheriffs, the officers of justice, should be named independently by the Crown, and not appointed by popular election? Which proposition was most consistent with the constitution of the country? [Viscount *Melbourne:* The sheriffs are chosen in England.] He put the question with respect to Ireland, and he asked whether it was more fit that the sheriffs should be named by the Crown, or at a popular election? The next point to which he would advert was the question of the freemen. He wanted to know whether the noble Viscount had looked over the clause in relation to freemen, which was inserted in the bill of 1838, and if so, why it had not been introduced into this bill? It was agreed by the House of Commons in 1838, and re-introduced by their Lordships in 1839; yet the bill was now sent up with a provision in that respect entirely new. There was another point most important as to time. There had always been a discussion in these measures with respect to counties of cities. Here again, he had the satisfaction of thinking that the two Houses in Parliament had agreed in separating from the city the rural part of what was called the county of the city, in respect of all judicial and fiscal matters. The House of Commons did not adopt an amendment made by their Lordships to that effect last year, only because it was conceived in some way to interfere with the rules and regulations usually enforced with respect to taxing clauses; but he did think that a Government desirous of carrying measures, and at the same time of maintaining harmony between the two Houses of Parliament, would have tried (their Lordships having by mistake introduced a regulation inconsistent with the ordinary mode of regulating such matters) to induce the House of Commons to adopt those regulations which had been previously discussed and introduced into this bill in former Sessions. But no such thing; the bill came up in another shape, without any regulation on that subject. In the mean time another bill which was to be part and parcel of this measure, had been introduced only on the 10th of April, the Municipal Corporation Bill having come up to that House on the 10th of March. Yet their Lordships were now called on to read this bill a second time, and at an early period to go into committee upon it, knowing nothing about the other measure but what they could learn from the newspapers, and having no knowledge whatever of what the regulations were to be on this most important subject. He had several objections to other details of this bill, into which, however, he would not at present enter, because he would not detain their Lordships. He had satisfied himself with referring to those which had been noticed by the noble Viscount, his object being to show the spirit in which these transactions had been carried on between the two Houses of Parliament by her Majesty's Government. There was another point on which he must trouble their Lordships with a very few words—he meant the clause which gave her Majesty the power of granting new charters of incorporation on the prayer of a majority of the ratepayers. That was a majority, however, not of the payers of rates, entitled to be burgesses, nor of persons of property, who were to be taxed, and who must bear the expense of these corporations, but the majority of ratepayers, every person being a ratepayer, who was liable to be rated under the Poor Law. Really, this was making a joke of the security of property altogether in these corporations. But they were told this was a very popular measure in Ireland. He begged to lay before their Lordships the list of petitions which had been presented for and against the bill. Belfast had petitioned against the bill, and in favour of vesting the corporate property in commissioners, Galway, for vesting the property in commissioners, and to be transferred to schedule B. Clonmel, another important town, had petitioned to be transferred to schedule B; Sligo, to be transferred to schedule B. St. Paul's, St. Michael's, St. Mary's, St. Bridget's, and St. John's, Dublin, for vesting the property in commissioners; the guilds and companies of Dublin against the bill generally; Waterford, for vesting the property in commissioners; Kilkenny, to the same effect; Londonderry, to the same effect, and another petition for the bill; Cashel, for vesting the property in commissioners, and another petition for the bill as it stood; Maryborough, for vesting the property in commissioners; Cork and Limerick, against the boundary clauses; Armagh, for a qualification of 10*l.* rental, exclusive of taxes; Liverpool, against the bill generally, also one in favour of it as it stood; Warrington, Hull, and Bath, against the bill; Carlisle, one petition against, and one in favour of, the bill; the corporation of Dublin, against the bill generally; and then there were various other petitions on the subject of compensation. He had a few words to say to their Lordships on this subject of compensation. The noble Viscount promised that this bill should contain the same provision other bills did before, for awarding compensation to the holders of offices under these corporations. He would earnestly recommend their Lordships not to part with this bill without seeing such a clause positively introduced. There was another remarkable omission in the present bill; the amendments introduced into the bill of 1838 required a strict audit to be held of the accounts of the receipt and expenditure of these corporations; he believed that a clause to this effect had been agreed to: now, he wanted to know whether it was necessary, for the sake of popularity, that there should be no provision in the present measure for auditing the accounts. Nothing was so essential to the fair operation of the bill as a strict audit of the accounts, and yet the clause was not adopted, merely because it did not suit the views of a certain party in another place, and in Ireland, He should require the bill to be amended in many respects in committee; but, notwithstanding the want of those amendments, he earnestly recommended their Lordships to give this bill a second reading. Let their Lordships amend the bill when in committee as far as lay in their power, and he gave notice, for one, that if the bill were not amended to his satisfaction, he should feel himself justified in saying "not-content" to the third reading.

The Marquess of *Normanby* did not feel himself called upon to detain their Lordships with any observations upon the general question, after the declaration which their Lordships had just heard of the noble Duke's intention not to oppose the second reading of the bill, and he (the Marquess of Normanby) should not, indeed, have risen at all upon the present occasion had it not been for the misapprehension under which the noble Duke appeared to lie with respect to what he (the Marquess of Normanby) had intended to convey on a former evening, as to the opinion of the law officers of the Crown upon the operation of the 5th section of the Poor-law Amendment Act of last Session. What he intended to say was this, that the opinion of the law officers of the Crown was not restricted, as the noble Duke appeared to suppose, but went to the full extent of saying, that the act of last year conferred no right whatever of exemption from the restrictions imposed by the Act of the year before, and that it was now as necessary as it was previously to the passing of the act of last year for persons to have paid all their rates before they could vote at an election of guardians. He could not but regret, that the noble Duke had already formed an opinion that the Poor-law commissioners had not fairly carried into effect the provisions of the Act, especially as the noble Duke had, on a former occasion, entreated a noble Marquess opposite to wait until the papers on the subject were produced before he pronounced an opinion. When those papers were before the House their Lordships would see, that the Poor-law commissioners had fairly carried out the spirit of the Poor-law Act, and in such a manner as not to be justly chargeable, either collectively or individually, as regarded the commissioners to whom the task of carrying this Act into execution had been principally intrusted, with any negligence in the performance of their duties. It would also appear, that there was no ground for any imputation either upon the intentions or the success with which the provisions of the measure had been carried out, especially when allowance was made for the novelty of the circumstances; and the more inquiries were made the more it would appear, that this opinion met with general concurrence throughout Ireland. Having thus endeavoured to correct a misapprehension, for which he might, perhaps, have been himself to blame, and having said a few words on behalf of absent parties, upon whom, perhaps, a somewhat hasty censure had been cast, he should merely say, with regard to the petitions to which the noble Duke had referred, that he had himself petitions to present in favour of the bill from several places from which the petitions referred to by the noble Duke had proceeded, and from Clonmel among others; but he had postponed presenting these petitions, considering that they referred more particularly to the details of the measure, and would therefore be more properly presented on the House resolving itself into committee.

The Earl of *Winchilsea* said, that differing entirely as he did from the noble Duke near him, and from so many noble Lords with whom he was politically connected, and with whom he should feel happy to concur, if he could do so consistently with his own honest and conscientious views upon this bill, which although it was clothed under the specious garb of a measure to regulate municipal corporations in Ireland, would be found fraught with the greatest evils, not only to that country, but to the best interests of this Protestant empire — entertaining these opinions, he felt bound to lay aside all private feelings for the purpose of discharging his duty to his country by opposing this bill. He viewed this measure as one calculated to destroy all the existing Protestant corporations in Ireland, which he considered as the outposts of the Established Church. If their Lordships looked at the events which had occurred in their own time, they would find that the aid which the corporations of Ireland had afforded to the Government of the country at different periods had enabled England to maintain the superiority of her laws in that part of the empire, and to suppress the flames of rebellion, which but for this assistance, would have involved the country in the conflagration of a civil war of too awful a character to contemplate. If a noble Marquess who had at a former period filled the office of Lord Lieutenant (Marquess Camden) were in his place, he would have asked that noble Marquess what was the situation of Ireland in the years 1830 and 1831, and whether the timely aid afforded by the corporations of Ireland had not enabled that noble Marquess to put down a rebellion in that part of the empire; he would have further asked what would have been the situation of Ireland if those corporations had not then existed, and above all, what would have been its situation, if the power of those corporations had been placed in the hands of those agitators who were bent on subverting all the institutions of the country, and who used the political power conceded to them by England for the purpose of severing the legislative union between the countries. An easy answer might be given to such questions. The page of history would have been stained with oceans of blood shed in the suppression of rebellion. If a measure could be framed which would only give an equality of civil rights, he would withdraw his opposition, for he had before said, and he now repeated, that sound policy would consist in removing every cause of dissension between the two contending parties, who entertained towards each other animosities, not only of a political, but of a religious character. He was prepared to contend, that if their Lordships passed this bill, the 10*l.* qualification would undoubtedly throw the whole political power into the hands of an individual who, together with the priesthood of the country, continued agitating that part of the empire, and emphatically and boldly declared that they would never desist from agitation till they had cast from their necks the yoke of England. These were empty threats now, but they would not be if this bill passed into a law. He looked at Dublin, which might be considered as a favourable instance for the Protestant interest, and he found, that out of 15,000 10*l.* houses, 9,700 were in the hands of the Roman Catholic party. The bill would establish a democracy characterized by ignorance and religious intolerance, and to this democracy the Established Church would be surrendered; and if it were surrendered in one part of the empire, how was it to be maintained in the rest? His honest conviction was, that the Church had tended to the moral greatness and the moral strength of this country, and he therefore resisted so irreparable an injury to its best interests as he believed this measure would inflict. On a former occasion he had asked their Lordships to consent to the extinction of all corporations in Ireland, because he thought, that by removing the causes of enmity they would be conferring a greater benefit on Ireland than by introducing a measure which would perpetuate religious animosity. He looked at the working of the New Poor Law in Ireland; that was a measure which might have been expected to be carried into execution in a spirit of Christian charity, and without being disgraced by party or religious hostility; but, looking at the manner in which the Poor-law guardians had been elected, it was evident that no one dared give his vote in opposition to the dictates of the priest. How much more would this influence be exerted by means of the power given by the bill to municipal corporations, which would be institutions solely of a political character. Believing that no alterations which could be made in the bill would reconcile him to its provisions, he felt it to be his duty to move that the bill be read a second time that day six months.

The Marquess of *Westmeath* seconded the amendment, but did not think it necessary to trouble the House with any observations upon the principle of the measure, inasmuch as it appeared probable that the second reading would be carried. He wished, however, to explain the reason of his taking on this occasion a different course from that which he had previously pursued. He had hitherto been contented to follow the steps taken with regard to this subject by those to whose opinion he always felt disposed to give the greatest weight; but, in consequence of the events which had lately taken place in Ireland, he thought there was greater cause at present for apprehension and alarm than there had previously existed, and that greater alarm was now felt in Ireland, and particularly in Dublin at the provisions of this measure, because it was generally reported and believed that a certain individual, a Mr. So-and-so, had a hand in it. For though the noble Viscount opposite had denied that there was any confederation between himself and this Mr.

So-and-so, yet they appeared to understand one another's tastes and sentiments so extremely well, that the people of Ireland could not look on without feelings of apprehension. It used to be said, that the country had no right to inquire into the proceedings of this Mr. So-and-so, but now there was hardly an appointment connected with the Irish Government which did not, through some channel or other, take place by means of Mr. So-and-so's influence. The noble Marquess, the Secretary for the Home Department, said, that the elections of guardians had been in all respects fair, and that such was the general opinion in Ireland. Now, he might be supposed to know something of the opinions entertained in Ireland, he must say, that this statement neither coincided with his own observation nor with his opinions. He hoped, that the Poor-law commissioners had done their duty; but, since his opinion was challenged on the subject, he must say he did not think they had. Mr. Nicholls was, no doubt, a most respectable man, and if his duties were confined to this quiet country, perhaps a more proper person could not be found to discharge them; but, with the greatest respect to Mr. Nicholls, he did not consider him the best person that could have been selected to discharge the duties required by the Irish act. If the bill went to a committee, he should give it his best attention; but, unless it was greatly altered, he should oppose the third reading.

The Earl of *Mountcashell* felt sorry to differ from those under whose banners he was proud to fight, but felt it his duty to oppose the second reading of this bill, which he despaired of seeing moulded into a shape which could be beneficial to the country. It would lead to the dissolution of the union, and the establishment of Popery in that country. He was satisfied that nothing could be done in the committee to remedy the evils which this bill would produce. He objected to it, because he considered it dangerous to the rights which were now vested in the corporations; because it would increase the power of Popery and of democracy; because, as he conceived, it contained a variety of clauses that were highly opposed to the constitution of this country; because it gave power to the nominees of the mob to pass most objectionable by-laws, to which, as far as he could see, there were no limits; because they might declare Protestant schools to be nuisances, and there was nothing to check that power; and because it authorized the misappropriation of public buildings by the new corporations, and there was no reason why they might not turn some of them into nunneries or Roman Catholic chapels.

Viscount *Melbourne* said, that with respect to the general objections of the noble Earl opposite, to this measure, it was not his intention, after what had been said on the subject, to offer any observations; but he begged leave to put it to him to consider, if he were to proceed on the principle of the test of opinion of the majority of inhabitants of that country, and did not conceive that they could be intrusted with the conducting of their own affairs in the corporations, how it was possible to continue the government of Ireland on the principles of freedom? He certainly must say, that being most sincerely anxious for the success of this measure, he was happy to find that the noble Duke opposite had given his support to the second reading. At the same time he was sorry to hear the tone and spirit of many of the noble Duke's observations, and sorry for the manner in which that support was given. However, he trusted that on further consideration the noble Duke would not find there were such strong objections to this measure as he had stated. The noble Duke had said that the New Poor Law had not been carried fairly into effect in Ireland: he had said that neither the Poor Law Commissioners nor the Government had done their duty. That was indeed a strong accusation, and was entirely contrary to the accounts which he had received of the manner in which the law operated. But he trusted that on more mature consideration the noble Duke would see that his objections were rather hastily urged and were entirely without foundation. The noble Duke had also objected to this bill because it had come up in a different shape from the bills that were introduced in previous sessions; but it must be remembered that when bills had to be re-drawn, even by the same hand, it frequently occurred that the persons who drew them thought they could put them in a much better form than that in which they formerly stood, and rarely was it found that they were couched in the same terms. The question, indeed, was not whether they were in the same shape, or contained the same matter, but whether, on the whole, the arrangement was not better, and whether they did not carry out all the objects which it was intended they should carry out? The noble Duke had also said, why was there not introduced into this bill the clauses which were formerly urged in this House, and in particular the clause in respect to freemen which was passed in this House in the year 1838? Now, the Government had stated heretofore, over and over again, that they did not understand that clause. When they allowed it to pass, it was *per incuriam, per negligentiam*; they did not perceive its bearings; but when they did see that it would have an effect far beyond what at first appeared, and that the House of Commons had also agreed to it *per incuriam* without understanding it, they immediately took the objection to it. As the clause now stood in the bill, it answered all the ends they had in view, and at the same time avoided all those consequences to which they thought the previous clauses led. But with respect to this matter of freemen and sheriffs, he knew that the House of Commons had consented to agree to this alteration; but then it was for the sake of carrying the bill through. The noble Duke had asked him why he had not called on some of his Friends in that House to propose such a clause as was formerly sent down? But he would allow him (Lord Melbourne) to ask him in return why he did not call on some of his own friends in that House to propose such alterations as he considered ought to have been made? It might just as well be expected that the noble Duke should have urged the adoption of this particular clause, as that he (Lord Melbourne) should have done so. With respect to not introducing provisions into this bill relative to the taxation of rural districts, it had not been done, because it was, he believed, the intention of the House of Commons to introduce another bill on that subject, and at no very distant period. Whether there should be a charter or not (as we understood) was fairly left to the rate-payers: but, although there might be a majority of petitions in the other House of Parliament against this bill, it was difficult to say whether they came from a majority of the people or not. The bill might perhaps not be popular in Ireland, but whether popular or not, it appeared to him to be a wise and prudent measure, and would give to that country a local government based on the principle of popular representation.

The Duke of *Wellington* said, that the noble Viscount had said something about his having made a charge against the Poor-law Commissioners. Now, he was prepared to make good that charge. The Poor-law Commissioners were called on by the New Poor-law to make regulations in respect to the guardians. Had they made such regulations? Or had the Government required them to do so? He said they had not; nor had the Poor-law Commissioners performed their duty. There was another thing. There could not be a doubt that there had been great abuses in the election of those guardians, and in the appointment of valuators; and a noble Friend of his had stated to the House, on a former occasion the mode of proceeding in those appointments and elections. Why, those commissioners had great powers given to them under the original act in respect to the board of guardians, so as to put them out and appoint others if they did not perform their duty. Had they performed that duty? Men who had power under an act of Parliament ought to exercise that power, and were responsible for the consequence if they did not. He wanted to know whether the Poor-law Commissioners had exercised their power. He thought they had not, nor that the Government had urged them to do so. With respect to the other points mentioned by the noble Viscount, he begged the noble Viscount's pardon, but the original bill that came up from the other House, in regulating those corporations, contained a clause, giving to the Lord-lieutenant the power of appointing the sheriffs, and the principle was admitted in this House, and adopted in the House of Commons: and when the noble Viscount said, that he might have recommended this measure to some of his friends in the other House, and got them to introduce certain clauses, and that it was just as reasonable for him to have followed that course and spoken to some of his friends in that House on the subject, he would remind the noble Viscount that there was this difference between them—that he did not bring in this bill. He had to take it into consideration when it came before him; but the noble Viscount had to superintend the bringing it in, and carrying it through this House as well as the other House of Parliament And he thought that, if the noble Viscount and his colleagues considered this matter a little more, it would have occurred to them that it was desirable to see on what grounds the two Houses were agreed, and to insert in this bill the clauses on which they did not differ. If they had done that, the noble Viscount would have had something to stand upon; whereas, in this case, he had nothing to stand upon. The noble Viscount had altogether excluded from the bill those matters on which they were agreed, and then said, that he ought to have desired his friends in the House of Commons, whether he had one or not, to propose the insertion in the bill of those clauses. Then, in respect to the freemen's clause, he was surprised to find, that after the discussion which had taken place upon it by all the great lawyers in that and the other House, two years had elapsed before the noble Viscount had discovered the meaning of it. The noble Viscount might have given some other account of the non-introduction of that clause, which had been agreed on last year, and had only been rejected on some slight irregularity. He really must say, that they had not had quite fair play on this bill in this session of Parliament. The bill was brought up in such a form, that it was most difficult to understand it; it was in no such shape as they had seen it in before—not at all arranged, and many important points which had been agreed on were omitted. All he could now do was to recommend the House to agree to the second reading, but he begged to state his determination on going into committee to propose several amendments.

Viscount *Melbourne* said, that the noble Duke had spoken as though he had stated that nobody understood the meaning of the clause with respect to freemen which had been inserted in the former bills. Now, what he stated was much more modest, for he had only said that the Government did not understand it. But he believed that those who drew it and brought it in, understood the meaning of it very well.

The Duke of *Newcastle* denied, that Parliament had any right to divest any portion of her Majesty's subjects of their corporate privileges, and he objected to the bill upon that ground.

The House divided:—content, present 85; content, proxies 46; total contents 131: not content, present 14; not content, proxies 18; total not contents 32. Majority 99.

HOUSE OF COMMONS,

Monday, May 4, 1840.

MINUTES.] Petitions presented. By Messrs. Roche, and G. Evans, and Captain Bryant, from a number of places, against the Irish Registration Bill.—By Messrs. Macinnon, T. Parker, Hodgson, Planta, Lord C. Manners, Lord F. Somerset, Colonels Lygon, and Wood, and Sir R. H. Inglis, from a number of places, for, and by Messrs. Martin, Dundas, B. Smith, V. Smith, E. Buller, Hawes, Villiers, Ainsworth, Labouchere, Pattison, Captain Pechell, Sir G. Staunton, Sir H. Fleetwood, Sir W. Molesworth, Sir B. Hall, and Sir R. Vivian, from an immense number of places, against, Church Extension.—By Colonel Conolly, and Mr. Sheil, from several places, against, and Sir R. Ferguson, from Londonderry, for, the Importation of Foreign Flour into Ireland.—By Sir R. H. Inglis, from St. Ann's, Westminster, against Sunday Trading.—By Mr. Martin, from several places, against the County Constabulary Bill.—By Mr. Philpots, from Gloucester, and Mr. T. Duncombe, from Dundee, for the Dismissal of Ministers.—By Mr. Blacket, from the Medical Men of Northumberland, for Medical Reform.—By Mr. A. White, from York, against the Opium Trade.—By Mr. Drummond, from Perth, for Settling the Scotch Church Question.—By Sir W. Molesworth, from Glasgow, for Universal Suffrage.—By the same, Messrs. Villiers, Hume, Pattison, and Ewart, from a great number of places, for the Repeal of the Corn-laws.—By Sir W. Molesworth, from Leeds, for the Separation of Church and State, the Abolition of Church Rates, and of Ecclesiastical Courts, and the Release of John Thorogood.—By Mr. Ewart, from Wigan, for the Abolition of Church Rates.—By Mr. T. Duncombe, from Dundee, for a Pardon to Frost, Williams, and Jones, and the Discharge of all Persons imprisoned for Political Offences.—By Mr. Wakley, from a Metropolitan Parish, to the same effect.—By Mr. Wakley, from Persons in Stirlingshire, for Vote by Ballot, Annual Parliaments, and against a Property Qualification.—By Mr. Blackburn, from Yorkshire, against the Post-horse Duty.

TURKEY AND EGYPT.] Mr. *Hume* rose to put the following questions, of which he had previously given notice to the noble Lord the Secretary for Foreign Affairs:—Whether, as stated in the public papers, the British Government has again interfered, through Lord Ponsonby, to prevent the Sultan from entering into direct negotiations with Mehemet Ali for a settlement of their differences; and whether, on that occasion, it has acted in concert with the other European powers or their Ministers at Constantinople? Whether any orders have been issued by her Majesty's Government for reprisals against Mehemet Ali; whether, as stated in public journals, two ships sent by Mehemet Ali to bring recruits from Albania to Candia had been detained by a British frigate and conducted to Corfu; and, whether returned or not? Whether orders have been issued by her Majesty's Ministers, or by Lord Ponsonby, to Colonel Hodges, the British Consul-general in Egypt, to interfere in the affairs of Egypt by giving subjects of the Sultan passports to leave Egypt? The questions were such as involved peace or war, and he trusted the noble Lord would give an explicit answer to them.

Viscount *Palmerston* said, the same state of affairs now existed as when on a former occasion his hon. Friend moved for the production of correspondence, with regard to negotiations, and therefore he did not know how far it would be prudent to accede to any motion his hon. Friend might make on this subject; but he was quite ready to give an answer to his questions. In the first place, the House was aware that in July last the representatives of the five powers, fearing that the Sultan might from the pressure of circumstances make unnecessary and injurious concessions to Mehemet Ali, presented a note in the name of their respective courts, requesting him not to enter into negotiations with Mehemet Ali respecting anything that had been done with the concurrence of the Five Powers, and Lord Ponsonby received instructions to use any influence he might possess to induce the Porte to comply with this request. With regard to the affair of the ships, the fact was, that information having been received by the High Commissioner of the Ionian Islands that two ships had arrived to recruit, inquiries were made with regard to the officer, who was an agent of Mehemet Ali, and it was found, that they were there for the purpose of decoying certain subjects of the Porte at Albania to proceed to Egypt to form troops to act against the Sultan, and Sir Howard Douglas took steps accordingly, and two Greek ships that were hired for the purpose were stopped. He believed the ships were not claimed, but the measure was prevented, and the agent of Mehemet Ali sent back to Malta, and the recruits remained there. The ships were detained a short time, and were afterwards released. With regard to the third question, no orders had been given to Colonel Hodges, because, as was well known, it was not the practice, except in peculiar cases, to give passports to any but British subjects; but as this question concerned the officers of the Turkish empire, he had no hesitation in saying that Colonel Hodges would only perform his duty if he afforded any protection he was able o give to any subjects of the Sultan who,t having been engaged in rebellion against him, were desirous of returning to their allegiance.

NAPLES.] Sir *Robert Peel:* I wish to ask the noble Lord a question respecting the differences at present subsisting between the Neapolitan government and this country. In answer to a question put on Friday last, I understood the noble Lord stated, that her Majesty's Government had issued orders for reprisals, and that certain Neapolitan vessels had been actually captured. The question I wish to ask is, if the mediation of the French government for the settlement of the existing differences between this country and Naples has been offered, and been accepted by either or both parties?

Viscount *Palmerston* said, that the good offices of the French government for the arrangement of the differences between her Majesty's Government and that of Naples had been offered some time ago, and had been immediately accepted by her Majesty's Government. At the same time a similar offer had been made by the French government to the government of Naples; and it appeared from the latest despatches received both from Naples and Paris, that that offer had been accepted by the government at Naples.

Sir *R. Peel* asked if the order for reprisals had been consequently rescinded?

Viscount *Palmerston* said, that it had been agreed, that as soon as our representative at the court of Naples should be officially informed of the arrival of any French diplomatist, charged to exercise the good offices of the French government, he should immediately transmit to the officers commanding her Majesty's ships instructions to suspend reprisals for a certain time; but, from despatches received that day, he had learned that at the moment that the French mediation had been accepted by the king of Naples, and when, according to the agreement, the reprisals would have been stopped, the Neapolitan government had laid an embargo on all British vessels in Neapolitan ports; and, consequently, the order for reprisals had not been suspended.

WAR WITH CHINA.] Mr. *Goulburn* said, in conformity with the motion which had been made in that House, papers had been laid on the Table, purporting to contain the correspondence between her Majesty's Government and the East India Company, as to the arrangements for paying the expenses of the armament now preparing for service in China, but that correspondence appeared to be extremely short, and, in fact, only stated that the expense was ultimately to be borne by the Government of this country. The question he now wished to ask was, whether it was the intention of the Government to lay before the House any estimate of the amount which would be required for that service? It should be remembered that the service was undertaken on orders from home. The Government, therefore, must be aware of the nature of the expedition, and could calculate pretty nearly the expenditure which it would require; and it certainly was not correct with regard to the House of Commons that an expense of this nature should be gone into with no other assurance than that, ultimately, at some definite period, the expense was to be borne by this country, without any previous communication as to the extent of the expense.

The *Chancellor of the Exchequer.* It is not my wish to enter into any detailed statement; but it is the intention of the Government to bring the subject before Parliament previous to the close of the Session, and to ask a vote upon it.

SUPPLY — MISCELLANEOUS ESTIMATES—ROYAL PALACES.] The House then resolved itself into a Committee of Supply, Mr. Bernal in the Chair.

Mr. *Gordon* said, that the first vote he had to move was, that 88,629*l.* should be granted to the Commissioners of the Board of Works for the purposes of public works and buildings.

Mr. *Hume* wished, before the vote was carried, to have some explanation with respect to some parts of Hampton Court Palace that were shut against the public, as he understood Lady Sarah Bailey occupied no less than fifteen rooms, from all of which the public were excluded. He did not think this was altogether correct, as he did not see why any part of a public palace should be closed against the public. Although Hampton Palace was a Royal Palace, at the disposal of her Majesty, yet, when the House was called upon for so much public money, he submitted they had a right to obtain as much benefit as possible for the community.

Mr. *R. Gordon* was not aware of the circumstances, but he would institute inquiries upon the subject.

Mr. *Goulburn* said, there was an item of 8,900*l.* for defraying the expenses of works necessary upon her Majesty's taking possession of Buckingham Palace. An estimate was laid upon the Table in 1838 for the sum of 3,300*l.*, and now it turned out that the sum required was 12,000*l.* He wished to know why, in the course of last year, Parliament was not made aware of the additional expense that had been incurred. It was somewhat extraordinary that after the lapse of a year a demand should be made for four times the original amount.

The *Chancellor of the Exchequer* perfectly agreed with the right hon. Gentleman that there was neglect in not bringing forward the estimate last year. It was intended to bring the estimate forward but in consequence of certain circumstances with which he was not entirely acquainted, the estimate had been postponed, and it was decided to include it in the first vote of the present year. He must take his share of the blame in not having brought it forward, but he could assure the right hon. Gentleman that the sum expended had been absolutely necessary to put the palace in repair for the actual accommodation of her Majesty.

Mr. *Goulburn* did not wish a detail of the expenses incurred, but where so large an additional expense had taken place, he thought that Parliament should have been made aware of it on the first occasion.

Mr. *Hume* wished to have some explanation respecting the Botanical Gardens at Kew. Some time since an alarm was created in the public mind in consequence of a report that the gardens were to be sold; that report turned out to have no foundation; and what he wished to know was, whether there would be any objection to lay on the Table of the House the report of Dr. Lindley, pointing out how far those gardens might be made useful to the country. 10,000*l.* a-year was granted out of the Civil List for the support of these gardens, and it was but right that they should be made as useful as possible to the public.

Mr. *Williams* saw in the estimates a

charge for stables belonging to Windsor Castle. He wished to know whether that charge was in addition to the sum of 70,000*l.* voted last year for the new stables?

Mr. *Gordon* said, the charge was for ordinary repairs.

In answer to a question from Mr. Goulburn,

Lord *J. Russell* stated, the records in general were now placed under the care of Lord Langdale, the Master of the Rolls, and the Deputy Keeper, Sir Francis Palgrave. They were perfectly competent to do their duty, and his (Lord J. Russell's) recommendation to them had been that both time and money would be much better applied in taking proper care of the existing records, than in the publication of expensive works. That opinion was perfectly concurred in both by the Master of the Rolls and Sir Francis Palgrave.

Mr. *Goulburn* said, that if the records were in the actual keeping of Lord Langdale and Sir Francis Palgrave he had no doubt they were properly kept; but he wished to know whether they were actually, or only nominally in their charge?

Mr. *Hawes* thought that the records which had been sold had not been under the charge of the record commission; he should say, from having seen some of these records, that they could be perfectly restored. He had seen one of the time of Edward 3rd, which was so restored, the only difference being, that they were now in private hands instead of the public.

Mr. *Hume* thought that some inquiry ought to be instituted. He wished to ask the Chancellor of the Exchequer if he had given any orders relative to the Jewel Office, concerning which they had some conversation in discussing the Ordnance estimates, when he was happy to see a disposition manifested to improve the nasty, shabby, disgraceful place in which the jewels were now kept. He also saw a small item of 200*l.* for Holyrood, Linlithgow, and other places in Scotland. He was happy to say, that he held in his hand a letter from the Duke of Hamilton, stating, that orders had been given for the opening of Holyrood Palace free of charge to the public. He considered that every opening of a public place free of charge which took place was of great benefit to the people.

Vote agreed to.

Supply—The British Museum.] The sum of 25,250*l.* was next moved as the estimated expense of the works and fittings of the new buildings in progress at the British Museum.

Colonel *Sibthorp* would like to know, before the House voted away so large a sum, the state of the budget, which he hoped would be fairly, candidly, and openly, explained that evening. There was no doubt but that, by the beautiful system of postage reduction, the resources of the Exchequer would be found deficient.

Sir *R. Inglis* referred to the unanimous decision of the committee which sat upon the subject of the British Museum, of which the hon. Member for Kilkenny was a Member, and who reported that the most eligible, expeditious, and economical course would be for her Majesty's Government to propose to the House a grant of 250,000*l.* for completing the additional buildings to this great national work. Such was the recommendation of the committee, which recommendation was disregarded by the government. It was surely a better course than an annual application for driblets of 25,000*l.* each session.

Mr. *Hume* fully concurred with the views of the hon. Baronet, and contended that, if the recommendation of the committee had been acted upon by the Government, the public would gain between ten and twenty per cent., and have the work more speedily executed.

Mr. *Ewart* wished to suggest to the Government the propriety of having public libraries in different parts of the metropolis.

Mr. *S. O'Brien* wished that the hon. Member for Wigan had extended his suggestion from the capital to the large towns of the empire.

Sir *R. Peel* said, that if a deficiency in the revenue was anticipated, that were a good reason not to go on with the undertaking; but when the undertaking was commenced, economy suggested the speediest execution. The opinion of the architect who was examined before the committee was, that if the work was performed in two instead of five years, a great saving would be effected. For his own part he was anxious that the work should be completed, and he was also aware that if works of curiosity were exposed to the public, many persons would contribute valuable works of art to the national institution. He hoped that the Government would consider the suggestion thrown out by his hon. Friend the Member for the University of Oxford, and achieve the saving of 20 or even 10 per cent. to the public.

The *Chancellor of the Exchequer* undoubtedly was aware, that when great operations were to be performed it was the best way to carry them on speedily; but owing to the anticipated deficiency, it was a question whether the work was to be commenced during the current year, or be deferred to the ensuing year. It was for that reason that he did not propose a greater sum than that proposed.

Mr. *Hume* thought, that if the work was to be accomplished in five years it would be the most prudent course to propose an annual grant of 50,000*l.* The sum proposed was totally inefficient for any ultimate or successful purpose.

Vote agreed to.

SUPPLY—HOUSES OF PARLIAMENT.] 30,000*l.* was next asked for the new Houses of Parliament for the year ending the 31st March, 1841, beyond what had been already provided by the votes of Parliament for the continuation of the river front, north and south flanks, and additional foundations.

Mr. *Ewart* hoped that the two millions which was the calculated sum total expense of the new Parliament Houses, would not be expended upon the exterior architecture only, but would be partially expended in works of sculpture and painting for the interior of the building also.

Mr. *Hume* reminded the House of the remarks made by him three years ago. Against the present site he protested as being dark and dismal, and he would recommend as more economical and convenient that the 150,000*l.* already expended should be entirely abandoned, and that a new site in St. James's or in the Green-park should be chosen for the new Houses. One of the commissioners, Sir E. Cust, had given his opinion that a structure less expensive than that projected would be sufficient for a House of Commons. Mr. Barry's plan was found to be very expensive.

Mr. *Briscoe* hoped that some of her Majesty's Ministers would remove the impression conveyed to the House by the hon. Member for Wigan, that two millions were the estimated cost of the new Houses of Parliament.

Mr. *Bernal* said, that the estimates had been carefully examined by the Commissioners of Woods and Forests, and he did not anticipate any excess beyond the estimates for the superstructure. The cost of the foundation and the embankment was likely to exceed the estimated sum, but there was not such likelihood as to the upper part of the structure.

Vote agreed to.

SUPPLY—MODEL PRISON.] On the question that the sum of 20,000*l.* be granted towards defraying the expense of a Model Prison,

Mr. *Galley Knight* complained of the expense, while he was afraid, from what had occurred in other countries, that the solitary system would not answer.

Lord *John Russell* said, that the hon. Member mistook the object of the estimate which was for a model prison, not on the solitary but on the separate system. It would be unfair to ask the counties to expend a large sum on a system of prison building until the result of an experiment never tried in England had been ascertained.

Lord *G. Somerset*, without pledging himself to the principle, would not object to the amount; but he would prefer the expenditure of a larger sum, in order that the experiment might be speedily brought to an issue.]

Mr. *F. Maule* could assure the noble Lord that no time would be lost in completing the model prison. The foundation stone had been laid two weeks ago, and the works were proceeding as rapidly as possible.

Lord *G. Somerset* wished to know whether parties in the different counties who might wish to inspect the plans of this model prison would be afforded access to them? He wished to know whether facilities would be afforded to architects residing in the counties to inspect those plans.

Mr. *F. Maule* was convinced, from the well-known courtesy of the gentleman who had the charge of these plans, that he would in such cases afford every proper access to them.

Mr. *Goulburn* doubted the prudence of counties adopting these plans until after sufficient experience. The model prison was adopted as an experiment, and it would be prudent to wait until there was time to ascertain the result. He thought that the Government ought to take means to have the prison completed at the earliest possible moment.

Sir *E. Knatchbull* differed from his right hon. Friend, and did not see any necessity for haste. He very much doubted the policy of this measure altogether. If the counties were to adopt this model it would lead to great expense. The estimate for this prison was 78,000*l.*, and he (Sir E. Knatchbull) was convinced that before it was completed 140,000*l.* would be expended. He thought that Government ought to re-consider this proposition, and see whether the system of separate confinement could not be tried elsewhere without the expense of erecting a new prison for the purpose.

Lord *J. Russell* said, the system had been tried elsewhere. He had called the proposed plan an experiment from deference to those who doubted its efficacy. He had himself no doubt that it was the best system of prison discipline that could be adopted.

Mr. *G. Knight* said, that the year before last, in going through the penitentiary, he saw several cells undergoing alterations, and he was told that they were to be used for the purpose of adopting the silent system. He thought that the building of new prisons would throw great additional expense on the counties. The expense of maintaining prisons in the county of Middlesex was already enormous.—Vote agreed to.

SUPPLY—GEOLOGICAL MUSEUM.] The next vote proposed was 2,824*l.* 2*s.* 6*d.* for the expenses of the Museum of Economic Geology in Craig's court.

Mr. *Hume* doubted the propriety of having a separate establishment of this kind on so small a scale as that which was proposed. He did not see why this collection might not be placed in some part of the British Museum. He was sure that two or three old houses in Craig's Court would not be found to answer this purpose. He wished to know whether this collection was to be confined to mineralogy alone? and he thought that, as they had commenced, they ought to make an establishment that would be a credit to the country. He would rather propose, that the Government should suspend this vote until an opportunity was given to have the subject considered by a committee.

The *Chancellor of the Exchequer* was sure that his hon. Friend would not object to grant a sum of money for a purpose of this nature. The expense was very small, and the object was to collect together specimens of materials employed for working purposes. This collection originated in the suggestion of Mr. De La Beche, who was engaged in the Ordnance geological survey, and he stated that we were unacquainted with the mineral treasures of the country. He suggested that it would be easy to obtain specimens of marbles, of working stones, and different articles which it would be useful to have collected for the information of the Commissioners of Woods and Works. It was afterwards decided that the collection should be thrown open for the information of other parties. The hon. Member had said that this collection might be placed in the British Museum. This had been considered. It was to be recollected that this museum was to be used as a repository for the mining records, and on communication with the parties they objected to have those records placed in the British Museum, and preferred they should be deposited in a separate establishment. He admitted that the establishment was on a small scale, but the expense was also small.

Mr. *Hume* did not object to the expense, but he wished to see an establishment that would be creditable to the country. It was a reproach to England, owing so much to manufacturing industry, that there was nowhere to be found a collection of machinery and mechanical models, such as were to be found in other countries. He objected to any temporary establishment; and he thought the best way would be to allow the matter to be considered by a committee.

Lord *J. Russell* said there was already such a number of articles in the British Museum that a geological collection could not be placed there with advantage. He was a member of the committee when George 4th made a present of his library to the country; and though he was in a minority, he had pressed on the committee the propriety of establishing another library in a different part of the metropolis, as there were many duplicate copies in the British Museum. He thought that it would have been useful to have enabled persons in different parts of the town to gain, by patient research and freedom of access, that knowledge which was so desirable and so useful.

Viscount *Sandon* hoped that there would be no difficulty in acceding to the vote, as the arrangement proposed was only a temporary one. By agreeing to this vote they would not be precluded at a future time from considering whether they ought to conduct the establishment on a more extensive plan. He wished to ask the right hon. Gentleman what were the mining records to which he had referred?

The *Chancellor of the Exchequer* said that they were maps of the mines, showing the grounds which had been worked in the different mining districts. The object was to have these records deposited in some central place, where they might be easily referred to.

Vote agreed to.

SUPPLY — CHURCH OF SCOTLAND.] 5,000*l.* was then proposed to be granted towards defraying the expense of erecting a hall at Edinburgh for the use of the General Assembly of the Church of Scotland.

Mr. *C. Lushington* objected to this vote. He did not think that the people of England, Ireland, and Wales, Dissenters as well as Roman Catholics, should be made to contribute to a grant for the benefit of the Church of Scotland. Besides, it should not be forgotten that the Church of Scotland was in a state of contumacy towards the law, and of stubborn resistance to the highest court in the country.

Mr. *Ewart* opposed the vote. He did not think that the general assembly, being at present in a state of rebellion against the law of the land, was justified in coming to that House for a grant of money.

Mr. *Hume* thought that it would be absurd to vote away 5,000*l.* of the public money for the purpose of building a hall which would only be used five days in the year.

The *Lord Advocate* said, that the general assembly had some years since a place of meeting which fully answered all their purposes; but that, in consequence of an arrangement with the Government, they gave it up, on a promise that a new one should be provided. The hon. Member for Kilkenny was mistaken in supposing that the building would only come into use five days in the year, for when not used by the assembly, it would serve as a church. Nothing could be more unfounded than the assertion that the general assembly was in a state of rebellion. It might as well be said, that, in a late transaction, that House was in a state of rebellion against the judges of the land. He believed that the time would come when the assembly would be able to show that their present conduct was perfectly constitutional.

Mr. *Hawes* thought the vote ought not to be agreed to, if it could not be better defended than it had been by the learned Lord. For a period of eleven years the assembly had met in a church without inconvenience. He had seen the place, and he thought they had sat there without inconvenience to themselves, although with much inconvenience to the Government and the public. That inconvenience had been so great, that he cared not that they had no place to sit. It was said, that there was an understanding with the Government to provide other accommodation; but was the present Government bound by any such understanding? He thought that they had turned over a new leaf, but it appeared he was in error. He did not know whether the church was in rebellion or not, but, at all events, the clergy were in absolute opposition to the law, as declared by the highest judicature in the country. Nor was there the slightest analogy between their case and that of the House. The House was maintaining the privileges of the main body of the people—the Scotch church was fighting for their own selfish views.

Mr. *F. Maule* contended, that the vote was one of actual justice. It would be merely returning that accommodation to the Assembly of which they had been deprived, under a promise of restoration; and the building was to be used as a church, while not in use by the Assembly. That was not the occasion to defend the church. When the proper time came he would be prepared to prove, that she was fighting for that which was ardently desired by the great body of the people, and what, in his opinion, was her right.

Mr. *C. Lushington* could not abandon his entire conviction of the contumacy of the Scotch church, notwithstanding all he had heard; and he did not see why the people of England, Ireland, and Wales, should be taxed for such a purpose.

Vote postponed.

SUPPLY — POSTAGE.] The sum of 127,234*l.* being proposed, to defray the expenses of the office of Secretary of State for Foreign Affairs,

Mr. *Goulburn* said, that he was surprised to see the sum of 64,000*l.* charged in the estimate for this department for postage, when the sum charged for postage for the Treasury was only 6,400*l.*, and that for the Colonial department, only 9,300*l.* The actual amount of correspondence in either of these departments, was certainly as great as in the Foreign Office, and it could not be said that there had been such a reduction in the colonial postage as to account in any manner for the great difference in the present estimates. Perhaps, the object was to increase the amount of postage to meet the falling-off in the others. He wished to ask whether this amount was estimated in the probable produce of the revenue by his right hon. Friend opposite, when he lately stated his views on the subject.

The *Chancellor of the Exchequer* regretted that the right hon. Member was not in the House when he made his statement. The estimates on which he had relied were really *bonâ fide* estimates. He had said that he should throw aside those postage accounts of the different Government offices, but, at the same time, he had stated, that it would not be unimportant that they should be laid before the House, for the purpose of doing away with old abuses, by compelling each department to give in estimates for which they would be responsible. The public, he had thought, would be benefitted by such a course, and he was not now certain whether this debate had not confirmed his anticipations. The present estimate, however, was not furnished by the department, but by the Post-office, and he had every reason to believe, that the actual postage would be something less than this estimate. The House, moreover, should be aware that the postage of the Foreign-office was quite different from that of other offices.

Mr. *Goulburn* was satisfied that the correspondence of the Treasury was as great as that of the Foreign-office. He did not dispute that great abuses prevailed formerly in the messengers carrying many things in their bags besides letters; but he pledged himself that there could not be such a difference between the postage for the two departments as this estimate implied; and he should say, with confidence, that in agreeing to this vote for 127,234*l.* he was giving this sum, estimated for the postage, to the Secretary, to lay it out on any one of the heads to which the vote applied. He would repeat, that the noble Secretary might legally apply this sum to any one head of the department. They were told that this estimate had come, not from the Foreign-office, but from the Post-office. This was the first time he had heard that each department was not to be responsible for its own estimates. He would repeat, that when the postage for the Treasury was 6,400*l.*, for the Colonial-office, 9,300*l.*, and for the Foreign-office, 64,000*l.*, there was no saving, at least, in the latter department.

Viscount *Palmerston* could not compare the amount of correspondence between the different offices, as he knew that of his own office only. It mattered very little what things beside the actual correspondence were carried by the messengers, as the bags were not charged by weight. But the system being different at present, he could assure the House, that the expense amounted to a large sum, and he was now making regulations for the purpose of preventing the practices prevailing in former times. He could not call them abuses, as there was really no abuse in allowing the messengers to carry many things in their bags beside the correspondence, when their doing so interfered in no manner with their conveyance of the latter.

Mr. *Hume* found in these estimates 40,000*l.* for messengers, and 64,000*l.* for postage—in all, 104,000*l.* for correspondence. He could not understand how there could be such a sum necessary for carrying on the correspondence of that one department; or how, when the messengers cost 40,000*l.*, the postage should cost 64,000*l.* He thought that the best way would be to call at the end of the year for the accounts of the different departments. The real estimate for this department was 136,000*l.*, as there was a sum of 9,000*l.* more to be required for salaries.

Mr. *Warburton* thought that this discussion showed how very useful was the suggestion made by the Post-office committee, that all correspondence between the offices should form part of a separate estimate. It appeared that there were not less than seven millions of penny letters, which had hitherto, he presumed, been made matter of franking.

Lord *J. Russell* said, that no fair comparison could be made between these bulky despatches and penny letters.

Mr. *Warburton* asked what was the basis upon which this calculation was founded? Was it upon the old rate of letters, or upon the loose estimate of 1*d.* per ounce? If it were founded upon that, the former estimates ought to have been six-fold what they were.

Mr. *Kemble* thought it would be well if this vote were postponed, that the House might have a more satisfactory account.

The *Chancellor of the Exchequer* said, that he should be very happy to postpone the vote; but he could give the House no further information upon this subject.

Vote agreed to.

SUPPLY. — POOR-LAW COMMISSION.] On the sum of 67,000*l.* being proposed for defraying the charge of salaries and expences of the commissioners for carrying into execution the amended law relating to the poor of England and Wales, and the destitute poor of Ireland.

Mr. *W. Williams* said, that the amount of this vote was enormously large. In 1836, when the new Poor-law had only just been introduced, the estimate was only a trifle more. He could not conceive what duty there was sufficient to occupy three commissioners and seventeen assistant commissioners in England and Wales. He believed that the boards of guardians throughout the country were the best judges of what duties required the aid of commissioners, and they had in several instances declared that they were no longer necessary after the formation of the unions. He believed also that the seventeen assistant commissioners had not interfered for the benefit of the unions. It appeared to him that a great reduction might be made in this commission. Besides the commissioners and secretaries, there were thirty-three clerks. He was quite sure they could not all be necessary for the present working of the system. He thought that 43,000*l.* of this money was thrown away on this commission, and he should certainly divide the House against the vote.

Colonel *Sibthorp* said, by returns which had been produced in compliance with motions which he had made, it appeared that at one time there were sixty-two persons numbered in this commission, the whole expense of which had been 254,680*l.* It was afterwards reduced to seventeen assistant commissioners, at 700*l.* a year each, besides travelling expenses. He maintained that this rate of pay was too great. Next to the Record Commission, the Poor-law Commission was the most expensive and unsatisfactory. He thought 500*l.* a-year would be a sufficient remuneration for an assistant Poor law commissioner. It was appointed to carry out what he believed to be a most degrading and barbarous system of poor laws; it was altogether a most objectionable commission, and he should, therefore, support the hon. Member for Coventry in his opposition to the vote.

Mr. *F. French* said, he observed that under the head of Ireland he saw an item of an architect and two clerks at 700*l.*; and a little farther down, there was another entry, "An architect and two clerks at 700*l.*," was that a repetition; or were there two architects and four clerks employed under the Irish Poor-law commissioners? As far as he had seen the proceedings of the commissioners, one architect was more than enough. There appeared to be a great abundance of assistant commissioners in England; and he wished to know whether any of them were to be transferred to Ireland, or whether that country was to be left to the sole dictation of Mr. Nichols?

Mr. *R. Gordon* said, there was but one architect employed by the Irish Poor-law commission.

Lord *G. Somerset* agreed with the hon. Member for Coventry that this was an extraordinary vote to call upon the House to agree to at the present moment, because Parliament had not yet sanctioned the continuancee of the English Poor-law Commission, and they might be voting salaries for officers who would not be in existence after a short time had elapsed. It was true that it had been agreed that the Act should continue in force until the 1st of August, and, if circumstances rendered it necessary, to the end of the next Session of Parliament; but then it was too much to make that contingent arrangement an excuse for voting away the money in salaries to officers, upon whose continuance Parliament had not yet been called on to decide. He should propose to have a vote taken for six months instead of a year, and, therefore, that the grant be diminished one-half for England, and that it be 12,741*l*., instead of 25,483*l*., the latter being the item for England.

Mr. *Hodges* said, he should support the motion of the noble Lord, not only because it would be agreeable to the feelings of those whom he had the honour to represent, but because it was one congenial to his own view of the subject.

Mr. G. *Knight* admitted, that the commission had been an expensive one, but called upon the committee to remember how much it had saved the country. He expressed himself satisfied with the new system.

Mr. *Darby* said, he had presented several petitions on this subject, and he knew the general feeling in the country was, that after the several unions were formed, the number of assistant commissioners might be reduced. The people of the different unions did not see the commissioners scarcely more than once a-year; their communication with the assistant commissioners was nothing, it being entirely carried on with the chief commissioners in London.

Lord *J. Russell* did not mean to contend, that there should always be the same number of commissioners, he had already advised a diminution from twenty-one to seventeen, but he should be unwilling to diminish the number of assistant commissioners in parts where the commissioners thought them necessary, and they had certainly expressed a strong opinion both to the Home Secretary, and to the Treasury, that any considerable diminution in the number of assistant commissioners would be prejudicial to the working of the act. This unquestionably was a great and difficult reform of an intricate system of law, and after the first zeal for reform had passed away, there would be a natural tendency to restore abuses, and revert to the old defective system, and therefore, after so short an experience, he should be unwilling, contrary to the opinion of the commissioners, considerably to diminish the number of assistant commissioners, but he must at the same time admit, that hereafter, from time to time, such diminutions might probably be made. A sufficient answer to the amendment of the noble Lord was, that the House had already agreed to continue these commissioners till the end of the next Session, and it was most improbable, that there should be so short a Session, that it would not be necessary to pay them till March 1841. Considering, therefore, the general conviction in Parliament and in the country, that this was a most beneficial change, and that there was no disposition to part with its advantages on account of any inconvenience which might attend upon the passing of an act for the continuance of the commission, he thought the amendment unadvisable. As to the Irish act, he thought that they had been rather unreasonable in placing upon one of the commissioners the great labour of introducing the measure into Ireland. He was aware, that the exertions of Mr. Nicholls had been prejudicial to his health, but he was so much better aware of the details with respect to that country, that he had been selected. However, it was probable, that in the course of next year, one of the other commissioners would go and relieve him from that arduous duty. The hon. Member for Lincoln had said, that this commission cost the country 250,000*l*., but he formed a low estimate when he said, that the saving to the country effected by this act had been eight millions.

Lord *G. Somerset* thought, that the estimate of the noble Lord exceeded that of the most zealous supporters of the measure. The speech of the noble Lord was calculated to confirm the impression which had gone abroad, that the noble Lord, in bringing in these bills, had no intention of carrying them through Parliament, and if so, this vote would enable the noble Lord very conveniently to get over the difficulty, but supposing, as he believed, the noble Lord intended to go on with these bills, he could not doubt that they would receive the sanction of the Legislature. He was not prepared to say, that at present the commission could be done away with, but it did not follow, that Parliament should grant to the Government and to the commissioners the power which they now had of creating an unlimited number of assistant commissioners, and all he proposed was, that they should not vote the salaries of assistant commissioners who might have no office to fill. He was sorry to trouble the House, but he felt so strongly the propriety of reserving to the House the power of deciding whether there should be this number of assistant commissioners, that he must take the sense of the House on his amendment.

Mr. *Benjamin Wood* concurred in thinking, that the present establishment of assistant commissioners was quite unnecessary. That opinion prevailed amongst a large body of his constituents, who were favourable to the measure, and who stated to him, that in the parish of St. George there had been no assistant commissioner for ten months. He should, however, vote against the amendment of the noble Lord, because he believed, that their appointment extended over the whole period for which this estimate was framed. He hoped that the vote would be passed now, and that the subject would be discussed when the bill was brought forward.

The Committee divided on the amendment:—Ayes 21; Noes 57: Majority 36.

List of the AYES.

Blair, J.
Brotherton, J.
Bruges, W. H. L.
Burr, H.
Dick, Q.
Egerton, Sir P.
Ellis, J.
Hector, C. J.
Hindley, C.
James, Sir W. C.
Jones, J.
Kemble, H.
Lefroy, right hon. T.
Lowther, hon. Colonel
Mackenzie, T.
Morris, D.
Palmer, G.
Pechell, Captain
Sibthorp, Colonel
Sinclair, Sir G.
Williams, W.

TELLERS.

Somerset, Lord G.
Hodges, T.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Baring, rt. hon. F. T.
Basset, J.
Berkeley, hon. C.
Bramston, T. W.
Briscoe, J. I.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Clay, W.
Darby, G.
Dundas, D.
Elliot, hon. J. E.
Ewart, W.
Ferguson, Sir R.
Gordon, R.
Greene, T.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, right hon. Sir J.
Hollond, R.
Howard, P. H.
Hume, J.
Hutt, W.
Knight, H. G.
Labouchere, rt. hn. H.
Lushington, C.
Macauley, rt. hn. T. B.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Muskett, G. A.
Nicholl, J.
O'Brien, W. S.
Palmerston, Viscount
Pendarves, E. W. W.
Philips, G. R.
Rickford, W.
Round, C. G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Smith, R. V.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stock, Dr.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Vivian, J. H.
Warburton, H.
Ward, H. G.
Wood, B.
Worsley, Lord
Yates, J. A.

TELLERS.

Parker, J.
Tufnell, H.

Vote agreed to.

House resumed.—Committee to sit again.

REGISTRATION OF VOTERS (ENGLAND.] Lord *J. Russell* rose to ask leave to bring in a bill for the Registration of electors, and it would be necessary that he should explain to the House the genera principles upon which that bill would proceed, leaving many points to be afterwards explained, if the House should consent to its being brought in. The Government had tried, on various occasions, to frame a bill on the subject of registration, containing at one time provisions as to the rights of voting, in which they had felt that abuses had taken place, and for which amendments were required, and also other bills which had been confined to the subject of registration alone; but in none of these bills had they been successful—it had either been objected to them that they contained and introduced matter irrelevant to registration, or that registration ought not to be mixed up with questions as to disputed rights of voting. He conceived, that the best course for him now to pursue was to state generally, after the experience of the House and the country had had of the present system, what improvement or plan he thought desirable, and which would be embodied in the bill he sought to introduce, and then to leave it to parliament to decide upon its provisions. It appeared to him, on looking back to the provisions made for registration at the time of the Reform Bill, that, perhaps, they had been then too much impressed with the objections raised by the opponents of the Reform Bill in general—namely, that it was a bill which would inundate the country with an immense number of small and poor voters—in other words, that the Members of this House would be elected by persons not worthy by their intelligence or property to have so great a share of the power of the country placed in their hands. That was an objection which it would be remembered had not only a great effect upon those who took a decided part in opposition to the Reform Bill, but upon many who gave that measure their support, expressing much doubt and hesitation as to the extreme length to which its principles of reform and the extension of the franchise were carried. He was quite convinced, upon seeing what had since taken place, not only that these apprehensions were entirely unfounded, but that in the provisions of the Reform Act, with respect to registration, too much pains had been taken to fix restrictions, and that the mode in which the elective franchise was to be secured was too lax. Whatever might be the amount of property—whatever might be the period of residence—whatever might be the nature of the occupation which should entitle a party to vote for a Member of Parliament, still in his opinion, the registration would do nothing more than ascertain by the simplest means possible whether any person who claimed to be registered as having that property, possessing that right of occupation, or whatever other ground or qualifications Parliament had declared to be necessary, had those rights and qualifications. Everything, which went beyond this—anything that placed an unnecessary impediment in the way of a person, having a real claim was in itself an evil which the Legislature ought to remove. If, then, the House was agreed in that principle, he thought also it would likewise agree that as it would be for the benefit of the country that all those persons to whom it was intended to give a right to vote, the easiest possible means of having their rights ascertained, and their votes allowed, ought to be provided; that it was for the general good of the country that persons so claiming, claimed that which was advantageous to the country, and not claiming a right against which any bar or impediment ought to be placed. These were the general principles upon which he sought, if the House would give him leave, to introduce this bill. But if regard were had to the mode in which the registration of electors had been carried into effect in this part of the empire, it would be seen that there were many evils which it was the duty and business of Parliament to remedy and remove. In the first place, there was at present uncertainty as to the manner in which questions, as to the right of voting were decided. There were no less, he believed, than 114 revising barristers, not the same individuals each year—who were called upon to decide upon rights of voting which required a great deal of consideration, it might happen that a person who established his right to the satisfaction of one revising barrister, was decided against another year. That uncertainty, of itself, deterred many persons from claiming that vote which it was for the benefit of the country at large they should establish. Added to this, there was the penalty of being liable to be called before the court every year with respect to the same franchise. For instance, a person whose residence was at Hull, and had a freehold in a distant part of the county of York, had taken the journey to establish his claim, and yet had been summoned again year after year to travel that distance, not because any rational doubt existed as to the sufficiency of the property, or the sufficiency of the right to vote according to the plain words of the statute, but because there was a sufficient pretext to call upon that individual to re-register, and a sufficient object on the part of some person to summon the party every year all that distance to substantiate his vote. But, in reality in such cases there was nothing more than a pretext, that which appeared substantial at a distance, vanishing into a shadow when the elector arrived at the place of registration. Speaking the other day, with a gentleman who had for some time acted as a revising barrister, he had told him (Lord J. Russell) that he and his colleague having in the course of the discharge of their duties received from a small town very many objections, he had decided with his colleague that they would hold a court at the place; but, when they arrived there all the objections were withdrawn. That showed a defect in the statute. If the objection were made to the vote of a person who resided at a distance, he might, either from dislike of the expense of contesting the claim, or say in ill humour, think it better to lose the vote altogether, than be at the trouble of defending it, though there might be all the while no real objection. He (Lord J. Russell) might go through many more objections to the present state of the law, but he was desirous not to take up the time of the House unnecessarily. He would, therefore, proceed to explain the alterations which he thought necessary. He proposed, then, to substitute a fixed and permanent and limited number of revising barristers, instead of the present fluctuating and excessive number. He proposed to make the number fifteen. The principle of the bill was, that they should make a small number of revising barristers; that those barristers should hold their situations permanently: and that they should go through their districts every year, not taking the same districts every year, but so as not to go through the same districts more than three years together. By this plan he looked to get gentlemen for those situations who would become accustomed to this part of the law, and by this means he should secure uniformity of decision. But this was not the only security that he took, for he found another in the small number of barristers, who would be constantly attending their courts and recurring to the adjudication of the same questions; and this, he considered, would be a great improvement on the present plan of a fluctuating number of barristers. Then, as to the salaries of the barristers. A sufficient salary ought, undoubtedly, to be given, to secure a person fitted for the proper discharge of the duties of the situation. Perhaps, hitherto, they had had both too large a number of revising barristers, and too small salaries to secure an adequate discharge of the duties from men on whom were devolved duties which must be considered of much importance, since to them in the first instance it was intrusted to decide on the franchises of their fellow-countrymen. Another question was with respect to the mode of claiming the franchise, and with respect to the time for which the vote should be made to enure. Now the voter put in his claim, and if it were not objected to before the court, he was put on the register; but any person making an objection might still bring him on any future occasion before the court, and so he was no better off than if he were an original claimant. In Scotland, before the Reform Act, the voter was put on the roll, and remained there if it could not be shown that there was any objection to his claim. In Ireland, if the vote was allowed by the assistant-barrister, the vote remained good for eight years, at least that was the principle, though in certain contingencies other regulations took place. What he proposed in this bill was, that the county voter might claim, as now if he pleased, that was to say, he might state the nature of his claim, as whether it were in respect of freehold or leasehold property, or from a *50l.* tenancy, but without bringing evidence to support such claim. If, however, he should choose this course, and were left on the register, then that his claim should be liable to be questioned next year. But in other cases he proposed to place the claimant in a more advantageous situation than at present, for he gave the right, as in Ireland, to the voter of giving notice that he should prove his claim before the revising barrister, or that, being objected to, he shall establish his vote. If he did establish the vote to the satisfaction of the revising barrister, then the name should remain on the register, unless in case of a change of circumstances or of death. He had once intended to propose, that if the voter established his claim, his vote should remain good for three or four years, and he was not sure that that was not the better system; but he saw no good reason why, if the claim were made good before the revising barrister, he should not be allowed to remain finally on the register, unless in case of change of circumstances or of death. He thought that much would be gained by no longer exposing the voter every year to all the evils of contesting his claim; and he thought that they might safely allow the voter to remain on the register after the contention through which his claim must pass, and after having established it to the satisfaction of a person learned in the law; they might at least safely leave it on the register until some superior tribunal should decide upon its validity. As to the right of appeal, if the question in dispute were a question of law, he would allow an appeal, but not in the case of a question of facts. He followed the bill of the hon. Member for Liskeard (Mr. C. Buller) with respect to the courts of appeal; he followed, too, in this respect, the practice of the Court of Queen's Bench on appeals from the Courts of Quarter Sessions. There the statements with regard to facts sent up by the Quarter Sessions were held to be decisive of those facts. The Queen's Bench then decided whether the law was as had been held by the Quarter Sessions or not. He proposed to constitute a court of appeal by taking three of the fifteen revising barristers whom the bill would create, and that they should sit for a certain part of every year to consider these appeals. That would secure uniform decisions, he thought.

At first, of course, whoever might be the persons appointed, they would have on intricate points of law differing decisions, but when they made courts of appeal, they would before long obtain a very considerable uniformity of decision. He might be asked how far would these appeals be conclusive. He answered, that he would not by this bill seek to limit the present power of committees of the House of Commons; he would not break in upon the powers which the constitution had committed to them; nor would he give that power to the court of law, because he considered it plain from what the House had themselves seen, from what they could not but see if they only looked to the books, that the tendency of courts of law was to construe all practice strictly, and indeed generally so to construe it as to depart from the original intention of the framers of the laws. He should not, therefore, give the power to the courts of law; neither would he exclude the House of Commons from the right of final interpretation of the laws as to who were elected and who were the parties to vote, and therefore he would not restrain that power by any legislative words; but he would say, that if they had a body of fifteen persons who devoted themselves to this occupation, and had presiding over them persons who were, therefore, conversant with the practice of reserving, the decisions of such a body would probably have very great weight with committees of the House of Commons, and that that circumstance would tend materially to secure uniformity of decision on the part of the committees, and to diminish the number of questions of disputed elections. Next, as to the means by which he proposed that these barristers should be named. One of the modes which had been proposed was to confide the selection to the Lord Chancellor. He did not apprehend any great evils from such a course, because he did not think that any chancellor would use the power improperly, but he preferred the following mode: he proposed that each of the judges should in future name three persons, and that out of the forty-five so named, the Speaker should appoint fifteen. He considered that the mode of proceeding in such a case, by analogy, ought to have reference to the House itself; and it being very objectionable to give patronage to the majority of the House, he could not think that they could do better than give to the Speaker, who was the organ of the House, and spoke its voice on ordinary occasions, the nomination of these officers. With respect to costs, he proposed that persons who made objections which were not reasonable, should be chargeable with a moderate sum in the shape of costs. He might add, that his bill followed in general the bill which had been brought in by the Attorney-general two years ago. Now, with respect to the other bill, namely, that for making further provision respecting certain rights of voting in the election of Members of Parliament, as had been proposed in a former bill, he intended that the right of voting in boroughs should require that at least 5*l.* out of the 10*l.* should arise from property in a house. With respect to joint occupancy, where two occupiers held property to the amount of 20*l.*, each should be invested with the 10*l.* qualification; and where two persons possessed 100*l.*, each should be considered as a 50*l.* tenant. There was another point which was of still more importance. He proposed to do away with some of the restrictions by which the right to vote was at present fettered. For instance, he proposed to do away altogether with the restriction which rendered necessary the payment of the assessed taxes. Such a restriction was unknown before the passing of the Reform Act; it was an unnecessary fetter upon the franchise, and he should therefore propose its abolition. With respect to the payment of the poor-rate, he would only require that it had been paid up to six months previously to the time of claiming to be registered. He made this proposition, because it frequently happened that persons who were perfectly competent to pay up their rates, and who were equally willing to do so, might, through some oversight, neglect to comply with this provision. The doing away with the present provision would afford greater facilities to persons who had *bonâ fide* claims. That they had paid the rate up to a certain time, together with the fact of an eighteen-months' occupancy, was sufficient security for their solvency. He also proposed to remove the disqualification which attached to persons no longer residing in the houses out of which they first claimed to vote. The third answer, as the law at present stood, required that the elector should state that he claimed to vote out of the same qualification, A man who happened to remove in the course of the year from one 10*l.* house to another, perhaps in the next, or it might be in the same, street, was surely as well entitled to a vote as he was at the time when he first qualified. There was, perhaps, a worse evil in the existing system, arising from doubt as to the manner in which the law at present operated. Some persons thought they possessed the right of voting notwithstanding their removal, and others again looked upon it as a disqualification. This led to great irregularity, and, in many instances, to a violation of the law. It would be better, therefore, when the *bonâ fide* right was ascertained, and when the name was placed upon the registry, that the vote should stand good for that year. He had now stated the main provisions of the two bills which he proposed to bring in. It was not necessary just then to go into all the details, and he should therefore content himself with the outline which he had given to the House. It was his duty to state that he had consulted his hon. and learned Friend, the Lord Advocate of Scotland, and also his hon. and learned Friend, the Solicitor-General for Ireland, as to the points in the measure which were likely to affect those countries. Into those points he would not just then enter, further than to say, that those Gentlemen, as well as his hon. and learned Friend, the Attorney-general, agreed with him as to the main principles of the bills. Facility, and not restriction, was the rule which he kept in view, with variations suited to the circumstances of the different countries. He thus hoped to be able to effect an amendment in the registration of the three parts of the empire.

Mr. *G. Palmer* was equally desirous with the noble Lord to remove any difficulties which might lie in the way of *bonâ fide* voters; but, as the registries were to take place every year, he did not see how the business could be done by fifteen barristers, or how they could make sufficient inquiry into the qualification. He did not mean to throw any imputation on the Speaker, but it was well known that that officer was elected by a majority of the House.

Sir *G. Sinclair* thought the statement of the noble Lord ought to have been made before proceeding with the estimates, and at a time when the House was full. It should not have been delayed to so late an hour of the night. He did not mean to follow the noble Lord through his statement, nor did he mean to take objection to it, as there were many propositions of which he approved. He willingly admitted that no unnecessary obstacle should be thrown in the way of the registry, and he also approved of the fifteen barristers and the court of appeal, and he was sure that no person who occupied the chair of that House could be suspected of a partial bias. He would throw no obstacle in the way of these bills, though their introduction appeared to be at variance with the assertion that the Reform Bill was a final measure. When the bills, however, came to be discussed, there might arise many objections with respect to details which it was impossible at present to foresee.

Leave given.

HOUSE OF LORDS,

Tuesday, May 5, 1840.

MINUTES.] Bill. Read a first time:—Non-Intrusion.

Petitions presented. By Earl Fitzwilliam, from Greenwich, for the Better Observance of the Lord's Day; from Sheffield, for the Release of John Thorogood, and the Abolition of Church Rates; from Wakefield, against the War with China.—By the Bishop of London, from several Metropolitan Parishes, against Sunday Trading.—By the Bishop of Lincoln, and the Earl of Winchilsea, from several places, against the Grant to Maynooth College.—By the Earl of Radnor, from the City of London, for, and by the Earl of Winchilsea, and Lord Rayleigh, against, the Repeal of the Corn-laws.—By the Bishops of Exeter, and Llandaff, from several places, for Church Extension.—By the Duke of Richmond, from Brentford, against Rating Stock in Trade; from several places, in favour of Non-Intrusion; and from Eastbourne, against the Poor-law Commissioners.—By the Earl of Galloway, from Montrose, in favour of Non-Intrusion,

WAR WITH CHINA.] Lord *Ashburton* said, that the public having been left more in the dark respecting the expedition to China than had ever been the case respecting any expedition of equal importance and strength, he wished, therefore, to know under whose guidance and command it was intended to place the ships and men. The armament being a joint naval and military one, he thought it important that the public should know who was to have the conduct of it.

Viscount *Melbourne* said, that the general conduct of the expedition would undoubtedly be under the Governor-general of India.

The Earl of *Ripon* asked whether the Governor-general would act on his own discretion, or from instructions sent out from England.

Viscount *Melbourne* said, of course instructions would be sent, but still the Governor-general would act as circumstances might require.

Lord *Ashburton.*—Will he accompany the expedition?

Viscount *Melbourne.*—No, no.

Lord *Ashburton* said, that the objects of this expedition being to obtain reparation, to establish courts of judicature, and to conduct negotiations, he wished to know who was to have the conduct of these negotiations.

Viscount *Melbourne.*—The naval officer, I apprehend.

Lord *Ashburton* asked if the noble viscount meant Captain Elliot?

Viscount *Melbourne.*—No.

Church of Scotland.] The Earl of *Aberdeen* rose to present to their Lordships a bill for removing doubts respecting the presentation of ministers of the Church of Scotland; and in doing so, if he appeared less anxious than might seem natural to apologise to their Lordships for submitting to their consideration a subject of so much importance, he could assure them it was not from any newly-acquired confidence on his part, or from any notion that he did not stand in need of their indulgence, but from a conviction that this subject did now indispensably demand the interference of the Legislature, and also from circumstances connected with it, which in some degree compelled him personally to follow the course he now took. After all that had passed on this subject, after the declaration made by the noble Viscount at the head of the Government at the end of last session, again at the opening of the present, and since at repeated intervals, it had been his (the Earl of Aberdeen's) belief and persuasion that the Ministers would have found it incumbent on them to attempt to apply a remedy to those evils, of which they had fully admitted the existence and magnitude. The noble Lords opposite, however, had thought it consistent with their duty, and of that they were probably the best judges, to abstain from making any proposition on the subject. At the same time he must be permitted to say, that this was a case which involved the peace and tranquillity of an important portion of the empire, in which the authority of the law was at stake, and in which was placed in jeopardy the welfare, perhaps the existence, of the best interests and institutions of the country, and therefore it might have been expected that the executive Government would have found it proper and necessary to interfere. The noble Viscount opposite knew that he had never looked at this subject as a matter of party contest; and that any measure which might have been proposed by the Government, and possessed the least probability of attaining the desired object, would have met with his most cordial assent. He did not think he was taxing the noble Viscount's candour too far when he asked him to give a like reception to a measure proposed under similar circumstances by him. He was not unaware of the inconvenience or even danger of attempting to legislate on such a subject. Many difficult and delicate questions might be raised, which had better be left at rest. He felt his own personal position in dealing with the subject sufficiently irksome; for, notwithstanding the vital importance of the subject, and the manner in which it had agitated, and continued to agitate a great portion of the country, affecting the feelings, passions, and prejudices of thousands, yet he almost despaired of bringing the conviction of this truth home to their Lordships' minds, or of penetrating the House thoroughly with a sense of the essential importance of a due settlement of the question. When he recollected that this was the cause of Presbytery—that on the settlement of the question depended the welfare and prosperity of Presbyterian church government, which he was anxious to uphold and confirm, though he could not expect to encounter feelings of hostility, it was impossible for him to look for any warm sympathy, support, or concurrence, from a large portion of their Lordships. However, he thought it right to declare at once, that he approached this subject with feelings of the most profound reverence for the national church as established by law—the church of Scotland. With respect to that church, he adopted the emphatic language of a committee of the House of Commons, who in a report presented to that House not many years ago, declared their conviction that " there never was an institution which at so little cost accomplished so much good as the established church of Scotland." It was a church composed exclusively of active labourers in the service of God, in which pluralities and non-residence were absolutely unknown, and such of their Lordships as had not the means of a personal and local knowledge of the blessed effects of its ministration were little competent to form a judgment of the manner in which it ought to be regarded. It might be true, that the church of Scotland had, at periods of its history, shown indications of a spirit of intolerance and fanaticism. They had heard of the saying that "New Presbyter was Old Priest, writ large," and unquestionably the old spirit had occasionally prevailed; but in saying this, all that was meant was, that such portions of the institutions as were of human origin partook of the failings and imperfections of humanity. It might have been expected that those who had suffered so long from the scourge of persecution would not themselves have manifested a feeling of intolerance; but in the history of the human mind this peculiarity was discovered, that men often felt little reluctance to inflict on their fellow-creatures those very evils from which they had suffered most severely themselves. However this might be, he felt assured that they were not likely to see a revival of this spirit; and although the members of the church of Scotland would continue to act with zeal and activity in the cause of their Great Master, he feared not a repetition of those acts to which he had alluded as disfiguring the church in former times. Having expressed the feeling which he entertained towards the Church of Scotland in bringing forward this subject, he must also add that he approached it with feelings of the most sincere love and respec towards the great mass of the people of Scotland. The people of that country were well worthy of their Lordships' consideration. He remembered many years ago that the late Lord Liverpool, using an expression somewhat colloquial, but very significant, declared his conviction that "Scotland was the best conditioned country on the face of the earth." He was afraid, that since that time they had done nothing to increase, or perhaps retain, their claim to that description; but still there was an intelligence and moral worth among the people of that country which entitled them to their Lordships' consideration. Noble Lords opposite boasted annually, and perhaps properly, of a diminution in the military force of Ireland; and adduced that circumstance as a proof of the tranquillity and good order which prevailed there. They counted their reductions by regiments and thousands of men. Then let him remind their Lordships that they had trusted the peace and tranquillity of Scotland for many years, in the worst of times, to a few hundred men, and had done so with success. This spoke volumes for the love of order which prevailed among the population of Scotland. It also spoke volumes for the efficiency of that moral and religious education which they received at the hands of the ministers of their church. If there was anything on earth to which the people of Scotland were attached with passionate devotion, it was to their national church, and with good reason. The reformation in Scotland was mainly accomplished by the people, and their church was emphatically the Church of the People. Little assisted by the great and powerful, they, after long struggling and great difficulty succeeded in establishing their church. Unlike the Church of England, which, subsequent to the first fiery struggles met with little difficulty in after times, the Church of Scotland was for a century after the period of its first existence, exposed to repeated difficulties and persecutions. It, in fact, never enjoyed the countenance of princes or of courts. From 1660 down to the period of the Revolution, it was perpetually struggling, with more or less success, and during these contentions, the people were never supported by the Government in their endeavours to establish a national church. It was, therefore, but natural that, recollecting the difficulties they had overcome, and how dearly purchased the establishment which they at last obtained was, they should cling to it with a feeling of affection and devotion, of which their Lordships were perhaps not aware. There was another class of persons immediately connected with this subject, with respect to whom he wished to say a few words—he meant the body of patrons in Scotland. He was not disposed to deny that perhaps for the latter portion of the last century, the rights of patronage might have been more strictly asserted, and the just claims of the people more neglected than was consistent with the welfare of the church, and the prosperity of religion, and during that period there had prevailed some diminution of the religious sentiment of the country. He believed the same might be observed with regard to England also, but fortunately, the zeal of the people of both countries had revived, and it was impossible to conceive a distribution of patronage more calculated to increase the welfare of the church than that which had taken place of late years in Scotland. In the course of the interviews he had had with patrons connected with the present state of the church in Scotland, and the measure he was about to propose, he had met from all, without a single exception, the expression of the greatest willingness to assent to the imposition of any necessary or reasonable restriction on the exercise of patronage, provided the welfare of the church and the interests of the people were consulted. It was now time for him to state to their lordships what was the actual condition of the church in Scotland, which made him say that legislative interference was absolutely indispensable. He needed not detail at length the proceedings which had led to the present state of things, but he might mention, that a few years ago there was, as there always had been, more or less, a degree of hostility shown to the exercise of patronage, which hostility appeared from the petitions to Parliament, and the propositions made to the General Assembly, to have acquired great strength and consistency. In 1834 an act was passed by the General Assembly, commonly called the Veto Act, by which it was provided, that on a presentation to a benefice, if a majority of the heads of families in the parish being in communion with the church expressed dissent to the nomination of the individual, the Presbytery should be prohibited by that circumstance alone from examining him for holy orders, and should at once be compelled to reject him. There was no reason to suppose that the General Assembly in passing this law had done anything which they believed to be beyond their legitimate authority. That body acted on the best legal advice, and he believed that the law officers of the Crown at the time pronounced an opinion that the passing of the Veto Act was within the legal competency of the Assembly. At all events it was supposed by a learned judge, not more distinguished for his legal attainments than for his high character and love for the church of his fathers, that the General Assembly was at the time warranted by its existing powers in enacting the law he had alluded to. However, shortly afterwards a case occurred in which the authority of the Assembly to pass this act was questioned. A patron having presented a gentleman to a benefice, the Presbytery refused to take him on trial for holy orders. The case was carried to the Court of Session, by whom the Veto Act was found to be contrary to statute and illegal. The Church appealed to the House of Lords, and, the question being heard at great length, the judgment of the Court of Session was affirmed by that House. The Veto Act was consequently pronounced to be a violation of statute and illegal. It was not for him to find fault with the coure which the General Assembly had thought fit to adopt; but if, after the judgment of that House had been pronounced, the Assembly had taken steps for rescinding the act which had been declared to be illegal, and had expressed their intention of effecting the purpose for which it was enacted, namely, that of preventing the intrusion of improper persons, contrary to the will of the congregations, he thought that the question would not have been in a state of such difficulty as it was at present. The General Assembly, however, adopted another course. They retained the law on their journals, but suspended its operation for one year, and appointed a committee to communicate with the Government in order to obtain its sanction of this law or some other, which would effect their purpose in a similar way. Other proceedings took place shortly afterwards which had led to very serious consequences. In a parish of a district not very remote from his own residence, but more immediately connected with the property of his noble Friend and relative on the cross benches (the Duke of Richmond), a gentleman was presented to a benefice, but the Presbytery were prohibited from examining him on trial for holy orders by the commission of the general assembly. This commission was not the committee appointed to communicate with the Government of which he had before spoken, but consisted of members of the general assembly, who chose to meet during the adjournment of that body. This commission prohibited the Presbytery of the district from taking the gentleman presented to the benefice on trial for ordination. The Presbytery being aware of the judgment of the House of Lords, and consequently of the law of the land, were placed in this difficulty—they were prohibited by their ecclesiastical superiors from proceeding with the trial of this gentleman, and on the other hand they exposed themselves to an action for damages, if they did not take him on trial, conformably with the judgment of that House. Under these circumstances, the Presbytery respectfully declined to obey the injunction of the commission of the assembly, and proceeded to take the gentleman on trial for holy orders. The commission thereupon suspended the majority of the Presbytery who had come to this resolution. Seven ministers were so suspended, and they appealed to the Court of Session for protection. The Court of Session issued an interdict prohibiting any person giving notice of the suspension of these ministers in their respective parishes, and also prohibiting any other persons from performing the ministerial duties in those places. This interdict was in both respects set at nought. Intimation was given of the suspension of the ministers, and it was publicly notified, that the seven ministers were incapable of performing any holy functions, that marriages and baptisms celebrated by them would be invalid, and that other persons were appointed to preach in their parishes. Accordingly, not only on Sunday, but on several days of the week, these parishes had been frequented by other ministers, sent there for the purpose of supplying the places of the suspended incumbents. The feelings of the people were enlisted on one side or the other, and the greatest excitement and alarm had been produced in those parishes, which had hitherto been tranquil and peaceable. He knew nothing of the seven gentlemen suspended by the commission; but he believed them all to be highly respectable men. Many of them had long been the ministers of their respective parishes, and been regarded with universal respect. They were now, however, engaged in controversy with their brethren, and, though they had not been deprived of their churches, religious service was performed in other parts of the parishes, by other men totally unconnected with the places, who intimated to the congregations that the gospel had not been preached before as it ought to have been. He had on a former occasion stated, that the excitement created was so great, that the execution of the law would be attended with danger, and might lead to bloodshed. The extent of the danger might probably have been exaggerated to a certain degree, but there was no doubt that the fanatical zeal of some parties might have induced them to resist the law; and in this opinion he was confirmed by information he had received from a gentleman connected with the district the day before yesterday. This was a state of things which was extending itself, but which ought not to be allowed to exist; and when the noble Viscount gave, before the holydays, as a reason for the Government not interfering in the matter, that great excitement prevailed, that neither party was willing to concede, and that it was better to leave them to themselves, the noble Viscount only showed that he was ignorant of the real nature of the case. This was a case in which the law had been pronounced, and ought to be executed. The law had no passions, violence, nor prejudices. It was the right of the subject to demand from courts of justice protection and redress. The judge was bound by his oath, and by his duty to the Queen, whom he represented on the seat of judgment, to administer justice without delay to every person who demanded it. In this case the court had no option. The court did not make the law, but only administered it. Neither did their Lordships make the law; they only interpreted it, declaring, that the Court of Session had put a right construction on the statute. There existed, then, a state of things which manifestly nothing could regulate but the interference of Parliament. When the noble Viscount talked of parties conceding, let him ask what could the Court of Session or the Parliament concede? After pronouncing that the Veto Act was illegal, could the Parliament go back and acknowledge themselves to be mistaken? This was impossible; and they must, by a legislative enactment either legalize the Veto Act, or apply some other suitable remedy to the existing state of things. After all that had been said on the Veto in that House, and in the multitude of publications to which it had given rise, he did not know that he should have called their attention to it, but that he found the non-intrusion committee, which was appointed to confer with her Majesty's Government for the purpose of obtaining the sanction of Parliament to this law or some other equivalent, had, instead of waiting to report their proceedings to the general assembly, by whom they were constituted, published to the world in their own vindication, the Veto Act with some modification which they proposed should be legalized, and to which, having no other suggestions to make, they still adhered. That made it necessary for him to state briefly why he, for one, could never agree to that act, and why he thought Government were perfectly right in refusing their assent to it. What, then, was the Veto?—It was not election; on the contrary, those by whom it was supported declared that it was to prevent the necessity of the popular election of ministers that the veto had been proposed. He could only say, that although he did not mean to support the popular election of ministers, that system had nevertheless its advantages; and, if he were compelled to choose, he should without hesitation prefer it to the establishment of the veto. It was decidedly, it was infinitely, better. For what was the veto? It was a dissent without reasons assigned, a capricious dissent—perhaps for unworthy, possibly unscriptural, reasons—but reasons which must prevail even against the deliberate judgment of the church itself, to prevent the ordination of any one whom such persons might think fit to proscribe. When, therefore, the church asked the Parliament to legalise the veto, it appeared to strike a blow at its own independence, nay, at its own existence as an establishment, compatible with the jurisdiction which must be inherent in every church. It parted with all power and jurisdiction when the dissent was pronounced by the third party, who would virtually be entitled to declare who should receive holy orders and who not. This really seemed to be departing from the jurisdiction which must absolutely be inherent in every church. Suppose a lay tyrant had proposed such a provision as to any third party who should be a bar to the ordination of any minister, what an universal outcry would have been raised against such a measure, as something monstrous and wholly incompatible with the very notion of a church possessing any jurisdiction whatever; yet such an act the majority of the Assembly had desired their Lordships to legalize. It was important to consider, when they were called on to legalize this veto, that there could be no qualification or restriction on it. It was an absolute right, for if they imposed any restriction on it, they would alter its nature entirely. The veto which had been passed by the Assembly, and which was still the law of the church, although it had been suspended for one year, concluded with declaring

> "That no person should be held to be entitled to disapprove, as aforesaid, who shall refuse, if required, to declare, in presence of the Presbytery, that he is actuated by no factious or malicious motives, but solely by conscientious regard to the spiritual interests of himself and the congregation."

This was a sort of protection against improper motives on the part of those dissenting; but no more was required than the declaration of the parties themselves. He thought that a very insufficient protection, and objectionable in many other respects. It was insufficient, because parties when excited, either by objecting to one individual or by preference for another, were naturally in such a state of feeling as that they might safely declare they were not actuated by factious or malicious motives; but this provision must also operate as a snare to the conscience, and, by opening the door to a species of perjury, must lead to many immoral and mischievous consequences. The law proposed for the sanction of the Government, and which, in his opinion, they had very properly rejected, contained this modification:—

> "Provided always, and be it enacted, that it is and shall be competent to and incumbent on the patron, presentee, or heads of families, who may allege that the dissents as aforesaid proceed from factious and malicious motives, and not from conscientious regard to the spiritual interests of the congregation, to establish the same to the satisfaction of the Presbytery, by evidence competent to the law of the church."

He would ask, how difficult and objectionable such a course must be? How difficult would it be to prove that motives were factious and malicious in such a case? And then to what a state must the parish be reduced, where it was necessary that such a course of proof should be proceeded with against a majority of the persons dissenting? Nothing he could conceive would be so fruitful of bitterness, hostility, heartburnings, and endless mischief, as any attempt to establish such a case. He therefore thought that the alteration on the part of the committee was rather for the worse than for the better, and the Government had nothing in the altered plan to recommend it compared with the simple and absolute veto. But it was said, the veto was essential to establish and secure what was called the principle of non-intrusion, to prevent the forcible intrusion of improper ministers on the parish and congregation. He had already said, that non-intrusion was a phrase of very wide signification, and, like many nicknames, gave an erroneous impression of the thing it proposed to describe. He was one of those who agreed in the principle of non-intrusion; he was very unwilling that any minister should be forcibly intruded upon a reluctant congregation; but then he did not interpret non-intrusion as those who advocated the veto interpreted it. He understood it as Knox and Melville understood it, and as it had been explained and enforced by Calvin and Beza; not the exercise of an arbitrary, capricious, and groundless will of a congregation without any assigned reason. So explained, it was an absolute innovation. Without troubling their Lordships with any lengthened proof upon this part, he would refer to such authorities as had satisfied his own mind that his interpretation was the authoritative one of the church in its best days. At the very commencement of the Presbyterian church in Scotland, by the first book of discipline, framed by Knox himself and his companions in 1560, it was laid down specifically thus;—

> "Altogether this is to be avoided, that any man be violently intruded or pressed in upon any congregation; the council of the church shall not be forced to admit before just examination."

The opinion of Calvin was to the same effect, tolerating no opposition on the part of the congregation, unsupported by the reasons assigned for it. The next authority was that on which the advocates of the veto principally relied, the second book of discipline, dated 1578;—

> "It is to be eschewed that no person be intruded into any of the offices of the kirk, contrary to the will of the congregation to whom they are appointed, or without the voice of the eldership,"

meaning the Presbytery, which was so called in those days. The interpretation of these words was sufficiently obvious. There were two parties—the congregation and eldership; the minister was not to be intruded into the parish contrary to the will of the congregation, or without the voice of the eldership. There could be no doubt which was to decide. The second book of discipline was principally framed by the celebrated Andrew Melville, the friend of Theodore Beza, the great reformer of Geneva and successor of Calvin. He was sent from Geneva, having been ten or twelve years a member of that church, to Scotland for the purpose, and he brought with him all his notions of that discipline to which the Church of Scotland owed so much. A letter of Beza was still extant in which he described clearly and explicitly the proceedings at the examination and ordination of ministers. He was to preach in the church of the parish to which he was to be presented, "and if, after so doing the people have anything to urge against him, they shall prefer those objections with all modesty and humility, and the Presbytery shall judge accordingly; and Beza made use of this expression, "*ut nemo invitæ ecclesiæ obtruderetur*."—*i. e.*, without the Presbytery hearing and judging of the objections of the congregation; but rejected in the strongest terms the right of the people any further to interfere in the appointment of the minister. Afterwards one of the rescinded acts in 1649 abolished patronage, and gave the Synod full power to deal with the subject as they thought fit, and settle the whole ordination of ministers. The Assembly accordingly prepared a directory for the purpose, in which, after prescribing various forms, this regulation was added,

> "But if it happens that the major part of the congregation dissent from the person agreed on by the Session, which stood in the room of patrons, in that case the matter shall be brought to the Presbytery, which shall judge of the same, and if they do not find their dissent to be grounded on causeless prejudice they are to appoint a new election in manner above specified."

Here, then, the Church being completely master, having the making of the law, reserved in their directory the power to the Presbytery to judge the matter when brought before them. How then could the Presbytery act judicially without knowing the reasons on which it was called on to judge? So that in what had lately been called the golden age of the Church, it had clearly by its own enactment precluded the notion of any thing like the absolute veto which was now sought to be established. The noble Earl read an extract from Sir Henry Moncrief's *Life of Erskine* to the same effect. The statute of 1609, when patronage was again abolished, provided for the settlement of ministers, and declared that

> "The heritors and elders are to name and propose the person to the whole congregation to be approven or disapproven by them, and if they disapprove, the disapprovers are to give in their reasons, to the effect the affair may be cognosced upon and determined by the Presbytery, &c."

i.e., that the merits might be examined judicially, and determined by the Presbytery. For all these reasons he maintained there was no authority in the history of the Church, for the enactment which had lately taken place, and that the veto must be considered an absolute innovation. But his great objection to the veto was, that by it the Church abandoned its chief right and duty. Before any act recognizing the Presbyterian Church of Scotland, the first thing the assembly claimed from the State was, the right of collation, which comprised the act of objection on the part of the people, the trial, examination, ordination, and induction of the presentee to the parish. The Church having then received the right of collation, had by the act passed by the Assembly abandoned its right, and had abandoned its duty by giving up what the law had conferred upon the Church as it existed at that time. There were various statutes in which the right of collation was recognized as belonging exclusively to the Church, but in one statute in particular the scrupulous care with which this right was recognized was very remarkable. It was a recent statute—that was to say, one passed since the Union; he meant the 5th of George 1st, which provided that certain oaths should be taken by the ministers of the Church for the security of the Government. So great was the anxiety shown by the Legislature in this statute not to interfere with the right of collation possessed by the Church, that one provision was, that nothing contained in the act should in any manner prejudice or diminish the right of the Church as the same was by law established, to judge the qualifications of any presentee for ordination or trial. This provision, too, was contained in an act which contained no enactments whatever relating to ordination and trial; and it was, therefore, a more conclusive proof of the intention of the Legislature to maintain this right of the Church. He could not but think that the Church, by availing itself of the benefits conferred upon it by law, had undertaken to do its duty by exercising this right, and that it could not preserve any jurisdiction over its own members, if it put into the hands of third parties the right of opposing an absolute bar to the collation of ministers. He thought that to reject a worthy person without any cause assigned, and for a cause perfectly unknown, was almost as great a breach of duty on the part of the Church as it would be to ordain an improper person. The interests of religion and the welfare of the Church were nearly as much injured by excluding a deserving person from the ministry for an arbitrary and unjustifiable cause as by an improper ordination. He knew that the veto itself had been represented merely as a sort of disqualification, as it was urged, that those who were entitled to judge of a presentee's qualification ought to take into account his acceptability to a certain proportion of the congregation, and that therefore it was the church itself that in truth judged of a presentee's qualifications, when it found him disqualified on account of a certain number of persons dissenting without any reason from the nomination. This was called judging of a minister's qualification. But surely the argument was so sophistical as to be scarcely worth alluding to, since the circumstance of a certain number of persons liking a presentee or not could not be considered as a qualification inherent in the individual. He would take an instance of what was really a qualification. Lately, a certain knowledge of Hebrew was required of a candidate for ordination; that was a qualification inherent in the individual, and also one of which the church reserved to itself the means and power of judging. It did not, as in the case of that which was now set up as a qualification, defer to a third party the right of judging what was the knowledge possessed by the candidate of the Hebrew language, but decided the question in its own courts. So with respect to every other qualification required by the church. But a rejection of a presentee, without any cause being assigned, could not be considered, in any fair meaning of the word, as the want of any qualification inherent in the individual himself. According to this proposition, arbitrary, capricious, and unknown objections to an individual were absolutely to prevail; they were not merely to be reviewed and judged of and taken for what they were worth, if objections for unknown causes, and perhaps mere unfriendly feeling, could be considered as worth any attention. The church was to be precluded from all power of judging of the value of such objections, and of counteracting their effect, and this was the system which Parliament was now called upon to legalize. It was a suicidal attempt of the church, which would destroy its own jurisdiction. Therefore he repeated that her Majesty's Government had acted wisely in refusing to sanction this proposal. But the non-intrusion committee, who had published this proposal, had accompanied it with another, which, he presumed, they also proposed to her Majesty's Government for adoption, and which had been the fruit of long deliberation. He had only recently seen the tract containing this proposition, it having been published about a fortnight ago. It contained a proposed act for giving efficiency to what was termed in Scotland the call; it was proposed by this act, that if a majority of the male communicants assembling in the church on the occasion of the presentation did not agree in signing the call, the presentation should be null and void, and the Presbytery should thereupon reject the presentee. Of the two plans, he considered this rather the worse in many respects. In the first place, this plan was entirely new. Many disputes had taken place upon the question of what was a sufficient call; but this had never been thought of—that the signatures of a majority were necessary to establish a call. The plan now proposed treated the call as an absolute right on the part of the people; and, although it was not put forth with the avowed intention of giving the people the right of electing the minister, yet what it professed to give did really amount to a power of joint nomination and election. It was, in fact, more objectionable than the veto, since it would practically establish a veto which would in practice be exercised by a very small number of the people. When people had a right to elect, they were eager enough to exert it; but if it were necessary for a majority to sign the call, a very small number of persons who might be disposed to object to an individual, either for good cause or no cause, or for a bad cause, might by exerting themselves obtain from their neighbours a promise to do nothing, but merely to stay away—the easiest of all favours to obtain, and there was little doubt that practically an active few would really be in possession of the veto. But the proposal was still more objectionable on another ground; for when a large body of people came forth and, right or wrong, said they disliked the presentee, and felt that they could never prosper under his ministry, and, therefore, objected to the presentation, such a course might, it was true, seem very unreasonable; but still one might presume, that in such a case there really was something against the man; whereas, according to this plan, No. 2, if on account of business, or for any other reason, some of the parishioners stayed away, so that a majority of the communicants did not sign the call, the Presbytery would be bound to consider the individual as disqualified as if he were found guilty of some grave offence; he was to be presumed to be disqualified for ordination, although no one had uttered a syllable against him; the circumstance of a majority not having come forward to sign the call, was to operate as an absolute exclusion and a bar to any further proceedings towards the ordination of the presentee. Such a proposition was so monstrous and so arbitrary, as to be decidedly worse than the plan at first proposed. He, therefore, entirely approved of the conduct of the Government in rejecting this as well as the former proposal. He was sorry to fatigue their Lordships by detailing all these projected laws, but there was one more plan which, from the station occupied by the individual who proposed it, and his connexion with the Government, was certainly entitled to respect: the plan to which he alluded was that proposed by the Lord-Advocate, who had been occupied many months in preparing it. The subject had been referred to the consideration of the learned Lord nearly a year ago, and he had been very anxious to learn the result of the learned Lord's labours. A little while ago, he had seen a report in a provincial paper containing an extract from the speech of a Gentleman who stood very high in the estimation of her Majesty's Government, and for whom he entertained very great respect—he meant the hon. Member for Aberdeen. That hon. Member had attended the non-intrusion committee, and had detailed the plan of the learned Lord, and the statement of the plan had certainly gratified his curiosity; but last night he had put into his hands an account of the plan published by the learned Lord himself, which therefore superseded the account given by the hon. Gentleman who had acted as its expositor. Now, with the greatest respect to the learned Lord, this plan appeared to him (the Earl of Aberdeen) to be decidedly the worst of all. It adopted in principle the plan No. 2 of the non-intrusion committee, for it provided, that if a majority of the persons whom it described, and to whom he would presently call the attention of their Lordships, did not upon the first presentation to a living sign the call, the presentation should fail, and the patron should have another three months to make a fresh presentation. Upon a second presentation the same thing was to take place, and the patron was to have three months more. The same proceeding was to be repeated upon a third presentation; but after that it was considered to be time to have recourse to further measures; and on a fourth presentation, if the majority did not agree to call the presentee, the principle of non-intrusion was to be given up, and the Presbytery were at last to intrude a minister. So that, after arbitrarily, unjustly, and absurdly disqualifying three men, all of whom might be perfectly unobjectionable, the learned Lord's plan proceeded to violate what was maintained to be an absolute right on the part of the people. Besides, by providing time for successive presentations, it created a device for keeping parishes vacant, it was impossible to say how long. The learned Lord was aware of this defect, for his measure provided, that after the stipend of the vacant living had been paid during a year to the widow's fund, the residue, after paying the assistant, should be applied to pious uses so long as the vacancy continued. This plan, therefore, had nothing to recommend it; it did not recognize the absolute right of the people, nor did it vindicate the rights of the church until they had been abandoned in three cases, not only without any cause being assigned, but without any objection being brought forward. Now, the learned Lord thought himself obliged to introduce something of a popular principle into his measure, and consequently, although the church had by the act of the Assembly limited the veto to the heads of families in communion with the church, the learned Lord could not be satisfied with anything less than an extension of the right to sign the call, or by absence to exclude the presentee to all the seat-holders, that was to say, to all members of the congregation who frequented the church. If he were not very much mistaken, the learned Lord would find that he had here overshot his mark, and that this part of his measure would be reprobated in every part of the country, and by every congregation. The publication of this plan appeared to be an extraordinary proceeding on the part of the learned Lord: if the learned Lord wished to propose a measure upon the subject, why had he not introduced a bill into the other House of Parliament? It had been said that the learned Lord had intended to do so, but had abandoned the design in consequence of his present motion; but that could not be a correct representation of the fact, for he had given no notice of his intention to introduce a bill upon the subject, till the noble Viscount opposite had declared that the Government had no intention of proposing a measure, and had expressly made that declaration, in order that the subject might be taken up by others. Now, the learned Lord was looked upon as the organ of the Government in Scotch affairs; what, then, were the public to understand by this plan of the learned Lord? It surely could not be considered the plan of the Government, since the Government refused to bring it forward. What was meant by publishing the learned Lord's proposed measure in the newspapers, instead of bringing it forward in the House of Commons? Was it intended to cajole the church and the Assembly with the hope of a measure which the learned Lord did not venture to propose himself, and which he knew would be rejected by her Majesty's Government? If such were the object, he should imagine they were too clear-sighted to be deceived by any such tardy advertisement as this. For his part he cordially concurred with her Majesty's Government in having declined to have anything to do with the Lord-Advocate or his bill, as he decidedly thought it the most objectionable and certainly the most inconsistent of all the plans that had yet been proposed. But it was high time he should state to their Lordships what were the provisions of the bill which he purposed to submit to their Lordships. They were very few, very short, and very simple. He had not followed the example of the Lord-Advocate, who, as was stated in the paper to which he before alluded, had submitted his bill to those Members of the House of Commons who usually supported the Government, though the learned Lord did not say whether they approved of it or not. He had not submitted his bill to any meeting of those members who usually opposed the Government. He had framed it with a sincere desire that it might answer its object and deserve the support of those who both supported and opposed the Government. He had taken such a system as he thought valuable and available for the purpose, but he had had no communication with any one. He believed that the measure he was about to propose was quite consistent with the genius and spirit of the Presbyterian church of Scotland; that it preserved the jurisdiction and independence of that church; that it gave due weight to the just claims of the people, and did not unjustly restrict the rights of the patrons. The preamble recited the various acts by which the right and duty of collation was imposed and granted to the church, and recognized in the church. It then provided, that when a presentee, after being appointed to a parish by the patron, should come to the Presbytery, it should be lawful for the latter to direct him to preach in the church of the parish in such manner as they might require, and when he should have so preached, that they should meet, and after due notice to the said church, to intimate whether any one or more persons, regular communicants of the Church, of full age, had any objections of any kind to the individual so appointed, or any reason to state against his settlement in the parish. Now this, he would just observe, was very important, for the Church of Scotland had always taken cognizance of not only the qualifications of the individual himself, but also his peculiar qualifications for the parish to which he was presented, because, as their Lordships were aware, ordination always preceded induction to a parish. Well, after intimation had been given for the communicants to state whether they had any objection to the individual or his peculiar gifts and qualifications for the cure of the said parish, the Presbytery should be ready, either then or at their next meeting, to receive the same in writing, or otherwise, as the communicants might desire, which objections or reasons should without delay be considered and disposed of by the Presbytery. The Presbytery might, if they thought fit, then refer the matter to the Superior Court of Synod; but if they thought, regard being had to the whole condition of the parish, that on account of any of the objections or reasons which were stated, the individual ought not to be settled in the said parish, they should state forthwith the supposed grounds on which the objections were founded, and in respect of which they considered the presentee was not qualified for that Church; and it should then be competent to the patron to nominate another person. It should, however, be in the power of both the patron and the nominee to appeal to the superior ecclesiastical courts. But if, on the other hand, the Presbytery, after considering all the objections and reasons against the settlement of the individual who had been nominated in that particular parish, were satisfied in the due discharge of their functions that no good objections existed against the individual, or that no good reason against his settlement had been stated, or that the objections and reasons stated were not fairly founded on any personal objection to the presentee in regard to his ministerial gifts and qualifications, either general, or in respect of that particular parish, the Presbytery should repel the same, and, subject to the appeal aforesaid, should proceed to examine the presentee as to his other gifts and qualifications, and if they were satisfied with them, that they should induct him to the parish accordingly. On a subject respecting which so much excitement prevailed, it was impossible for him to suppose that his plan could meet with anything like universal acceptation; but he did hope for the approbation of all moderate and rational persons. The noble Viscount at the head of her Majesty's Government laughed; but the noble Viscount was aware that in Scotland the greatest stigma a churchman could labour under was being called a "Moderate." But in the English and Scotch sense of the term, he did hope that all moderate men would unite in supporting this bill. He thought it preserved the full jurisdiction of the Church, and placed the power where it ought to reside—namely, in the Church courts. It enabled persons to state every species of objections both against the individual personally, and against his qualifications for any particular parish; and it gave a power to the Church courts to decide those cases which they ought to be the only persons allowed to decide. He knew many would say he had sacrificed the independence of the Church and the rights of the people; but he had already expressed the conviction he felt, that neither was the case, in fact, quite the contrary, and that that independence and those rights could be still preserved. He was not without fear that he might meet with objections of another kind; that he might be told he had conceded too much power to the Church; and he thought it very likely that many of their Lordships were of that opinion; but if such were the case, his short answer was this, that he was quite persuaded that nothing was recommended in this bill which the Church itself could not now by its own legal authority enforce. And he was able to say, that in the opinion of those who were most deeply conversant with the Church of Scotland, and were not disposed to extend its power, such was the case. He had brought forward this measure because he considered that it would be beneficial and useful at this time, and he would in conclusion recommend to the leaders of the Church of Scotland seriously to consider the position in which they now stood. Most willingly would he for one contribute to close, if possible, those grievous rents which went so far to weaken the Church, but he would entreat the Church itself, and the leaders of that body, most respectfully, but, at the same time, most earnestly and affectionately, to consider the imminent peril in which they had involved the existence of the Establishment, and how much that course might tend to its speedy overthrow. He would now commend this measure to the favourable attention of their Lordships, and the people of Scotland, and above all, to those ministers of the Church, and they were numerous, who loved peace, and sought it with their whole heart.

The Duke of *Buccleugh* said, that after the able and elaborate statement of the noble Lord who had just sat down, it was not his intention to trouble their Lordships with many observations. The present state of the church of Scotland was most lamentable—he might say, most dangerous. No one who had paid any attention to the affairs of Scotland could deny the truth of the circumstances which had been so ably detailed by the noble Lord. Of late a feeling had grown up in Scotland with regard to the church, hitherto unknown. Pastors were opposed to the people, and the people to their pastors, in many parts of the country; and agitation had been made use of in favour of the principle of what was called non-intrusion, which had produced the most disastrous effect. The measure as explained by the noble Lord was one which while it gave full independence to the church in all spiritual matters, would, he believed, give to the people all those rights which he thought it proper they should have, so as to prevent the intrusion of any minister who might be attempted to be forced upon them. That the people were the best judges of the fitness of those persons who were presented to them, he did not think was the case; they were apt to be occasionally misled by different circumstances; they might have a predilection for some other person than the one presented to be their pastor; or they might, without having any objection to the person who was presented, have a strong dislike to the patron who presented him. In those cases, according to the plan which his noble Friend proposed, it was left, as it should be, for the communicants of the parish to state their objections, and for the decision to be in the proper place, and where it alway used to be, namely, in the hands of the church. Though he was not a member of the church of Scotland himself, yet no person was more anxious than he was for the full integrity of the church, and that it should be established in firmness, and that nothing should be done to lessen its efficiency and independence. But it was impossible that that could be the case while the veto was left in the hands of what he might say was an irresponsible body, subject to prejudice, and who might be easily excited against a particular individual, or who might make use of those harassing measures which might ultimately drive the patron to appoint a person whom he might consider most unfit. He would not detain their Lordships any longer, except to express his extreme satisfaction in finding that the subject had been taken up by the noble Lord below him, who had stated in so distinct a manner the present condition of the church of Scotland. That noble Lord had stated the difficulties in which the establishment was at present placed; but he trusted the plan which the noble Lord had suggested would restore it to that position in which it ought to be placed. He must, however, express his astonishment and great regret that a measure of such great public importance should not have been undertaken by those whose duty it was, in his opinion, to have done so—namely, by the Government, and that they should have thrown the responsibility on others—a responsibility which, from good feeling, the noble Lord had undertaken, and which, whether the plan he had now proposed was acceptable or not to the church, would always reflect the highest credit upon him.

The Duke of *Argyll* approved of the plan which had been proposed by the noble Lord below him, and thought it was one which would place the establishment of the Scotch church in the position in which it ought to stand. He also thought it would allay the excitement which now unfortunately existed upon this subject.

The Earl of *Galloway* said, no one could be more sensible than he was of how little importance any opinion which he might entertain on the subject must be to their Lordships or the country. Nevertheless, as he had felt it to be his duty on various occasions in the course of the session, in consequence of representations he had received from Scotland, to call on the Government of the country to effect a settlement of this question, he thought that if he were to remain quite silent when it was brought regularly before the House, that the motives of his silence might receive an unjust interpretation, and that it might be said by his countrymen in Scotland that he had been ready enough to call on her Majesty's Ministers to undertake an arduous task, but that when they had virtually confessed their incompetency to its performance by abandoning it, and a noble Lord from his own side of the House had patriotically stepped forward in the praiseworthy hope of fulfilling the duty which they had relinquished in despair, it might be said that he (the Earl of Galloway) had shrunk from the responsibility, perhaps the unpopularity, which might attend the expression of his opinions in regard to it. These were his reasons and apology for troubling their Lordships with a very few observations, while expressing his concurrence in the measure which the noble Earl had laid on the table. It appeared to him, perhaps more strongly than to the noble Earl, that those who still desired to uphold the Veto Act of the General Assembly, which their Lordships in their judicial capacity had pronounced to be illegal, and those who stoutly maintained the propriety of the election of ministers to parishes by the popular voice, founded their argument mainly on two things—namely, that such was the law of the word of God, and that such was the ancient usage of the church. Now, if he could persuade himself that patronage, by which he meant the simple right of presentation of a qualified clergyman, the original licensing of the individual, the judgment on his qualifications, and the whole process of the ordination remaining with the church—if he thought that patronage so defined and limited were inconsistent with the divine law, he would not wish for its continuance. But it appeared to him that the Scriptures had laid down no positive rule which reached such a subject, but that it was left, like many other matters, for the judgment and discretion of men, according to the variations of time and circumstance. Hence he argued that, as in civil matters the laws which obtained in an infant community might be inapplicable when that community had extended itself and had become a great nation, so in ecclesiastical matters, where doctrine was not concerned, the regulations of an infant church might be inapplicable to its future growth and circumstances; and whatever practice might or might not have prevailed in the primitive Christian church—when that church was composed alone of spiritually enlightened men—when that church was beholden to the voluntary contributions of its own members for the support of its ministers, and was an object of persecution, instead of being, as it ought to be, an object of veneration with the civil power, and whatever practice might have prevailed in the early reformed presbyterian congregations in Scotland, he held that their Lordships ought to examine and be guided by the principles which governed the compact and connexion which was subsequently formed between the Church and the State. While thus presuming to differ with great authorities beyond the Tweed, and sheltering himself under a part of the judgment delivered by the noble and learned Lord on the woolsack, he was prepared to contend, that in the Scottish statutes of 1567 and 1592, the great charters of the incorporation, there was not the shadow of an argument in favour of the Veto Law of 1834. In those statutes he marked three essentials—the recognition and establishment of the Presbyterian form of church government in Scotland, the powers of the church defined, and limits set to its jurisdiction, and indisputably the reservation and confirmation of the ancient rights of the lay patrons; and these had been frequently assented to by the General Assembly, however their opinions might have varied at different times. He knew that in troublous times, and by unconstitutional process patronage had been destroyed in 1649, and that, after an interval to which he need not allude, the regular sanction of Parliament had been given to its abolition in 1690; or rather, that the exercise of the presentation had, for the brief period of a few years, been transferred to other parties, until patronage had been restored. But even at that period there had been no interference with the duties of the church, and the presbyteries were held bound to hear the opinions of the people, dispassionately to weigh them, to judge of the qualifications of the presentee, and to receive or reject him accordingly. This was a reasonable procedure. But he could never bring himself to vote for a measure which should go to legalize the Veto Act of the General Assembly, involving, as it did, the virtual abolition of patronage, and believing conscientiously that such abolition would not conduce to the Christian education of the people, nor to their peace and happiness; but he was desirous of every proper check being put upon its exercise by competent parties: and he sincerely hoped Parliament would not, by any measure, give its sanction to the church, divesting itself of any portion or its spiritual jurisdiction in the settlement of ministers, by investing the people with an arbitrary power of rejection of a presentee, without cause assigned, which was unreasonable and unjust. It was by no means safe to trust implicitly to the impression of a majority, regardless of the opinions of a minority in a parish, which had not been of unfrequent occurrence in Scotland, and which, under the practice or the church during the last century. He thought that had not been sufficiently looked to, and that all the evils complained of were not justly chargeable on the patrons; and, with all the unfeigned respect which he felt towards the church, he thought that it had been more faithful in the discharge of its duties; according to the powers which it possessed, many of the abuses complained of might have been avoided. But the measure of the noble Earl would meet such cases, and deal fairly with all parties. The right of the patron to present was preserved, the right of objection on the part of the people was extended to the utmost limit, and the full rights of the church were recognized, who would hear all objections, and judge of the suitableness of such presentee for the particular parish. He thought this measure was consistent with the spirit of the ancient standards of the Church of Scotland, that it was based on right principles, and founded in reason, and calculated to promote the piety and peace of the parishes, and that if those who had hitherto been engaged, some in agitating, and some in enlightening the peoples' minds, on subjects both of doctrine and discipline within the church, would but be at as much pains to recommend the views entertained by this declaratory measure to their good will, he was sanguine to hope, under the blessing of God, it would be productive of the happiest effects.

Viscount *Melbourne* said, that after the able and copious explanation of the present state of the question given to them by the noble Earl who had brought forward the bill, it would be unnecessary for him to trouble their Lordships at any length, neither should he then enter into a discussion of the observations made by the noble Earl, or those who followed him. His noble Friend, in language certainly of the most moderate character, had expressed his disapprobation of the conduct of her Majesty's Government in not originating some measure upon a subject which had convulsed Scotland. The noble Duke opposite had also censured the advisers of the Crown for not having taken the subject into its hands; yet he still must be permitted to say, that he thought he ought to put off the defence of the Government for some time longer; he felt persuaded that that course would be the most satisfactory in the end, the more especially, as he hoped that in a short time such defence would be altogether unnecessary, as they advanced in the consideration and discussion of the measure, that the prudence of the Government, with respect to this subject, would show and demonstrate itself in a manner the most clear, manifest, and undeniable. For another reason he would not go into any defence of the conduct of Government, and it was this, that he felt he could not do so without attacking the measure then before the House, and to that he did not then mean to make any objections. However, he must observe, that the occasion which had arisen was not by any means so grave and serious as the speech of the noble Earl was calculated to lead the House to suppose; the exigency was in no respect so pressing as it had been represented. At the same time, he was most anxious for the settlement of the question, and most earnestly wished that the measure should meet with the fullest and fairest consideration; no one rejoiced more than he in giving up the task to his noble Friend, and he should be sincerely glad if it led to a settlement of the existing differences.

The Earl of *Haddington* could not consent to give a silent vote on this occasion, though it was not his intention to go at length into the question beyond making one or two observations; for, indeed, he felt that his noble Friend had completely exhausted the whole subject. He concurred in almost every word that his noble Friend had spoken. He had received no provocation from the other side of the House to enter fully into the matter, and it would be inexcusable in him, after the tone and temper of his noble Friend who had just sat down, if he were to say one word more in reference to the conduct of the Government in not having brought this question to a favourable issue. It was not his wish to throw out any thing in the way of irritating matter, which might prejudice the favourable reception of the measure of his noble Friend. He need not refer to the collision which had occurred between the Church in Scotland and the law of the land,—he would say nothing of the agitation in the country, or of the cause of that agitation, or of the conduct of those who had participated in that agitation; because if he spoke honestly, he might be tempted to say something which might create feelings of irritation. He would say nothing on the subject of the Veto Act, except this, that, from the moment that Act was carried into law by the General Assembly, he had expressed the opinion he now did—an opinion which had been expressed by his noble Friend, that this was, perhaps, the most serious and important subject the Church had ever entered upon, when, by investing the people with the right to object, without cause being shown, to the presentation of an individual, they did *pro tanto* abdicate their own functions, and devolve them upon the people. The people were thus called upon to exercise a right on conscientious motives, and with a sense that the person would not edify them; therefore, they were called upon to judge of the qualifications of the individual, and to estop the competent court of the Church, in taking into consideration the ability of the presentee upon trial, and of judging themselves whether he was or was not competent to have the cure of souls. This was a most formidable objection to the Veto Act. He thought the Veto Act unreasonable, and it was really matter of astonishment to him that parties should be found in the General Assembly to acquiesce in it. At the same time, he would observe, that he thought there could scarcely be a greater curse to the people than a system of popular election of the clergy: yet that was a plain, intelligible principle, for the Church maintained its own position. But the Veto Act put the Church out of its own place, and put the people in a false position,—it put them in the position of exercising an arbitrary power. It appeared to him, that the measure proposed by his noble Friend was of a wise and salutary character, and he joined in earnestly recommending it to the Church of Scotland —nay, he earnestly recommended its adoption to all parties in Scotland. If his noble Friend addressed himself to what was called the dominant party, he would address himself to other parties, and would request them to give this measure a favourable and candid consideration, because it left all parties in their proper places. An eminent lay authority, Sir Henry Moncrieff, laid down the principle that it was the right of the people to object, and of the Church to adjudicate. This bill had his best and sincerest wishes. He thought that no man would say, that his noble Friend had conceded too much. He hoped that this measure would bring the Church of Scotland out of her present danger and difficulty.

The Marquess of *Bute* felt grateful to the noble Earl for the introduction of this bill, and hoped that it would have the effect of healing all the dissensions which prevailed in Scotland on this subject. He thought that the majority of the committee of the General Assembly ought not to be censured for the course which they had taken; this was acknowledged to be a difficult question, and it was more difficult to them than it could be to her Majesty's Government, or to their Lordships, or to any one else. He trusted that the Church of Scotland would receive this measure in that respectful and affectionate manner which it merited, looking at the tone and temper with which it had been introduced.

Bill read a first time.

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HOUSE OF COMMONS,

Tuesday, May 5, 1840.

MINUTES.] Petitions presented. By Mr. D. Brown, from several places, in favour of the Irish Corporations Bill, for the Extension of the Franchise, the Repeal of the Corn-laws, and against the Irish Registration Bill.—By Messrs. Christopher, Round, Lowther, Byng, Lascelles, and Wynn, and Sir R. H. Inglis, from many places, for, and by Messrs. Scholefield, Strutt, Baines, B. Smith, Morrison, Byng, Ward, C. Buller, Colonel Salwey, and Sir G. Grey, from a very great number of places, against, Church Extension.—By Captain Bryan, Lord Clements, Sir C. Style, Messrs. A. Yates, Redington, and M. J. O'Connell, from a number of places, against, and by Sergeant Jackson, and Sir C. Coote, from several places, for, the Irish Registration Bill.—By Sir G. Grey, from North Shields, and Mr. Easthope, from Leicester, for the Abolition of Church Rates, and the Release of John Thorogood.—By Messrs. Villiers, Grote, Pattison, Baines, Elliot, and Ward, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By Sergeant Jackson, from several places, against the Repeal of the Corn-laws.—By Sir E. Knatchbull, from Richmond, against Rating Stock in Trade.—By Mr. G. Wood, from one place, in favour of the Factory Bill.—By Sir E. Knatchbull, from places in Kent, against the Clergy Reserves, and the Constabulary Bills.—By Lord Clements, and Mr. Elliot, from several places, for a Settlement of the Scotch Church Question.

TRANSPORTATION OF CONVICTS.] Sir *W. Molesworth* spoke to the following effect:*—Sir, In submitting to the consideration of the House the motion of which I have given notice, the task which I have to perform is both difficult and painful; difficult on account of the extent of the subject; painful on account of the nature of many of the facts to which it will be my duty to refer. I assure the House however, that I do not approach this subject without having long and carefully studied it, or without having carefully examined and weighed every opinion and every fact connected with it. I, therefore, presume to solicit a patient and attentive hearing. The report of the committee to which this motion relates, was laid on the Table at the end of the Session of 1838.

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* From a corrected Report published by Hooper.

Two reasons prevented me last year from bringing the topics contained in that report before Parliament. First, I entertained the hope that the executive government would have come forward with some general measure founded upon that report, which would have rendered any motion unnecessary. I was unwilling, therefore, to embarrass the Government in a matter which is one of great difficulty, by any premature steps. Secondly, as that report contained many facts reflecting on the moral character of the penal colonies, I was earnestly entreated, by several persons connected with those colonies, not to call upon Parliament for an opinion, before an opportunity could be afforded to the colonists to peruse those statements, and to contradict them if incorrect. Now that full time has been given both to the government to mature their plans, and to the colonists to reply to any mis-statements, there can be no objection to asking Parliament to consider the subject of this motion. The committee in question, and of which I had the honour to be chairman, was appointed for the threefold purpose, first, of inquiring into the efficacy of transportation as a punishment; secondly, of ascertaining its moral effect on the penal colonies; and lastly, the committee were directed to consider of what improvements the existing system was susceptible. A very few words would be sufficient to state the result of those inquiries, if I could suppose that hon. Members had read any considerable portion of that report; but, as it cannot be supposed that such has been the case, I must endeavour, as briefly as I can, to state the grounds upon which the committee came to their conclusions. The materials from which the committee formed their opinions, were of the best possible description. They were chiefly official documents, furnished by the Colonial Office, consisting of despatches, reports to and from the governors of the penal colonies, and criminal returns. Numerous witnesses were examined; but in order to avoid any cavil as to the credibility of those witnesses, not one fact of any importance has been stated by the committee in their own report, which is not corroborated by official documents. And for the same reason, in the observations which I shall make to-night I shall confine myself almost entirely to those documents. The first subject of which I shall speak, is the nature of transportation, and the condition of the convict under that punishment. Transportation is a compound punishment, consisting of three distinct elements: banishment from this country; compulsory labour in a penal colony: and the various punishments by which that compulsory labour is enforced. It is not necessary at present to say anything of the effects of mere banishment: I will proceed at once to describe the condition of the convict in the penal colonies. The penal colonies in Great Britain are, first, and largest, New South Wales, founded in 1787. To this place 75,200 criminals have been transported; and in the year 1836, the number of offenders under punishment there were, men 25,254; women 2,577. The next in magnitude is Van Diemen's Land, founded in 1804; to which, since 1817, 27,759 convicts have been sent; and of which the criminal population, in 1835, consisted of 14,914 men, and 2,054 women. The third is Norfolk Island, a dependency of New South Wales, which contains about 1,200 convicts. The last which must be mentioned is Bermuda, containing about 900 convicts. Bermuda need not again be referred to, as the condition of the convicts there is nearly the same as that of convicts in the hulks; my observations will therefore, be confined to the Australian colonies. The greater portion of the punishment of the convicts in these colonies, consists in compulsory labour: that labour is either enforced by officers of the Government, or by private individuals, to whom the convicts are assigned as servants. I will first speak of the latter class; which is by far the most numerous one, as it contained in 1836, about 29,000 convicts. A convict is said to be assigned, when the right of the Government to the labour of the convict is made over to some private individual, who becomes his master. The master determines, according to his will and pleasure, the nature and amount of labour to be exacted from his convict servant; therefore, as the House must at once perceive, the condition of an assigned convict depends entirely upon the character, temper, position in society, and occupation of his master; and is, consequently, as uncertain, as those circumstances are uncertain. For instance, some convicts become domestic servants, and frequently receive wages; others, if possessing mechanical skill, are employed in various trades, and are highly prized; the greater portion, however, are occupied either in agriculture, or in tending flocks and herds. In the families of some settlers, convicts are as well treated as servants ordinarily are in this country. In other families, their fate is far different; they may be considered to be slaves; for the power of the master to cause punishment to be inflicted on his convict servant is very great, and the punishments, even for trifling offences, are very severe. In proof of this, the words of the law may be cited, by which it will appear, that a convict may be summarily punished for "drunkenness, disobedience of orders, neglect of work, absconding, abusive language to his master or overseer, or any other disorderly or dishonest conduct, by imprisonment, solitary confinement, labour in irons, or fifty lashes." And this law is by no means inoperative. In 1835, the convict population of New South Wales did not exceed 23,000; the summary convictions, chiefly for the offences just mentioned, amounted to 22,000; and the number of lashes inflicted, exceeded 100,000. In Van Diemen's Land, in 1834, the convict population was about 15,000; the summary convictions were nearly 15,000; and the number of lashes inflicted there exceeded 50,000. On the other hand it should be remarked, that a convict, if ill-treated by his master, may apply to a bench of magistrates for redress; but then the majority of those magistrates are generally owners of convict labour. Instead of troubling the House with any observations of my own on the general effects of the assignment system, I will read a few short extracts from the written opinions of the persons who must necessarily have been best acquainted with this subject, and whose authority will have the greatest weight with the House. Sir George Arthur, late Lieutenant-governor of Van Dieman's Land, has given a most graphic description of the assignment system, in a despatch which is inserted in the report of the committee. He says,

> "You cannot have an idea of the vexations which accompany the employment of convicts, or of the vicissitudes attendant on their assignment. Their crimes and misconduct involve the settlers in daily trouble, expense and disappointment. There is so much peculation, so much insubordination, insolence, disobedience of lawful orders, and so much drunkenness, that reference to the magisterial authority is constant. There can be no doubt things appear better in the colony than they really are."

Such are the statements of the Lieutenant-governor of the one penal colony, as to the general conduct of assigned convicts. I will now quote the opinion of the Lieutenant-governor of the other colony, as to the great inequality of this punishment. Sir Richard Bourke states, as the result of his own experience, that

> "it is one of the most apparent and necessary results of the system of assignment, to render the condition of convicts, so placed, extremely unequal, depending, as it must, on a variety of circumstances over which the Government cannot possibly exercise any control. It would be quite impracticable to lay down regulations sufficient to remedy this inequality."

The only other authority, which it is necessary to quote, is that of Captain Maconochie, secretary to Sir J. Franklin, the present Lieutenant-governor of Van Dieman's Land. Captain Maconochie describes, from his own careful observation, the moral effects of assignment, in the following terms:—

> "The practice of assigning convicts to masters is cruel, uncertain, prodigal; ineffectual either for reform or example, and can only be maintained in some degree of vigour by extreme severity. Some of its most important enactments are systematically broken by the Government itself; they are, of course, disregarded by the community. The severe coercive discipline, which is its principal element, is carried so far as to be at issue with every natural, and in many cases even every laudable, impulse of the human mind. It defeats, in consequence, its own most important objects; instead of reforming, it degrades humanity."

And, in confirmation of these statements, Sir F. Forbes, the late Chief Justice of Australia, declared, that under the assignment system,

> "it frequently happens, that lesser offenders against the law come to be punished with disproportionate severity, while greater criminals escape with comparative impunity."

It would be useless for me to attempt to add anything to these emphatic condemnations of the assignment system, coming, as they do, from persons of the highest authority on these matters, and which remain unimpugned and uncontradicted. It is stated, that the government intend to put a stop to the assignment of convicts: I trust they will persevere in that intention; and will discontinue a system, which confides one of the most important and difficult functions of an executive government, namely, the task of punishing offenders, to the uncertain interests and capricious feelings of private and irresponsible individuals. I said there are two classes of convicts; one composed of convicts in assigned service; the other of convicts under the superintendence of officers of the government. I will now speak of the latter class; which will be the only one, if the assignment system be abolished. The government convicts are employed on various public works, in the gaols, on the roads, in the marine and survey departments; and, as the House will be surprised to hear, in Van Diemen's Land they are appointed constables in the police. I think I may, without exaggeration, describe the government convicts as the most profligate and desperate portion of the criminal population of the penal colonies. They are generally collected together in a narrow space, without any attempt at classification or separation. They have full opportunities of communicating with each other; they perform very little labour, and are subject to a very lax superintendence. Gangs of these convicts, called "road parties," were once scattered over the colony of New South Wales, for the purpose of making roads, and were little better than so many bands of robbers. I do not reproach either the general or the colonial government for the management of these convicts; for it was utterly impossible to obtain in those colonies the requisite amount of efficient superintendence; and without efficient superintendence penal discipline is impossible, even in the best constructed prisons. How much more must this have been the case, when the greater portion of the government convicts can hardly be said to have been confined in a prison at all. The utter impossibility of obtaining efficient superintendence, is proved by the fact, to which I have referred, that it was found necessary to establish a police composed of convicts; and Sir George Arthur declared that that convict police was better than any police of free men he could obtain in the colony of Van Diemen's Land. I wish to call the especial attention of the House to these facts; because it has been proposed to continue transportation, and to place all convicts under the superintendence of the colonial government. If this be done, transportation will become, in some respects, similar to the punishment in the hulks and gaols at home; but, with this important difference, that on acount of the cost of transport and of proper superintendence, it would be more expensive than the most perfect system of prison discipline in this country. This is the opinion which the committee have recorded in their report, after a most careful examination of all the facts. I shall return again to this subject, when I speak of the expense of transportation. From the want of efficient superintendence, from the nature of the assignment system, and from other causes, hardly any of the means, which have been devised to prevent misconduct amongst offenders during the period of their punishment, were applicable to transportation. In order to preserve some degree of discipline amongst the convicts, a vain attempt has been made to terrify them into good behaviour: for this purpose, minor offences have been converted into crimes, and severely punished; and the convict code of the penal colonies has not its equal in severity, at least in the civilised world. Captain Maconochie, speaking of these punishments in Van Diemen's Land, says,

> "They are severe, even to excessive cruelty. Besides corporal punishment, to the extent of fifty to seventy-five lashes, and even, in some rare instances, a hundred lashes, solitary confinement, and months, or even years of hard labour in chains (on the roads, or at a penal settlement), are lightly ordered for crimes in themselves of no deep dye: petty thefts (chiefly in order to obtain liquor), drunkenness, indolence, disobedience, desertion, quarrelling among themselves, and so forth."

It is necessary to make a few observations with regard to these punishments. I have already referred to the great amount of flogging in the penal colonies. There is ample proof, in the documents laid before the committee, of the severity with which it is inflicted. It is the favourite punishment with the masters of convicts; for it does not deprive them of the services of their servants, as is the case when they are sent to the chain gangs. The punishment of the chain gangs, according to Sir George Arthur, "is as severe as can be inflicted upon man. The number of convicts suffering this punishment was about 1,700 in the two colonies. They are described by competent witnesses as being "locked up, from sunset to sunrise, in caravans or boxes, which hold from twenty to twenty-eight men; but in which the whole number can neither stand upright nor sit down at the same time (except with their legs at right angles to their bodies), and which in some instances do not allow more than eighteen inches in width for each individual to lie down upon the bare boards; they are kept to work under a strict military guard during the day, and liable to suffer flagellation for trifling offences, such as an exhibition of obstinacy, insolence, and the like." This description fully bears out the statement of Sir R. Bourke, that the condition of these convicts is one of great privation and unhappiness. Connected with the subject of the chain gangs, I would direct the attention of the House to the evil effects upon the discipline of soldiers which ensue from employing them in guarding convicts. Colonel Breton, an officer in command of a regiment in New South Wales, told the committee that his regiment was greatly demoralised by this description of duty, and likewise by association with the convicts, amongst whom the soldiers not unfrequently found near relations. I observed last year in a Sydney newspaper, that at one time, the 14th December, 1838, a lieutenant and twenty-one soldiers were confined in the gaol at Sydney on criminal charges. The last and greatest in the scale of these punishments is the penal settlements. In speaking of them, I must intreat the indulgence of the House; for it will be my painful duty to state horrible and appalling facts, which I could not have credited, which I could not have believed that a Christian country would have permitted, were they not proved beyond doubt by the concurrent testimony of governors, judges, and ministers of religion. The penal settlements to which, as I have already remarked, convicts are frequently sent for offences of no very great magnitude, are two in number; the one Norfolk Island, a dependency on New South Wales; the other Port Arthur, in Van Diemen's Land. In these places there are about 2,000 convicts, who, with their guards and keepers, constitute the sole inhabitants. According to the authority of the superintendant of convicts in Van Diemen's Land, "the work appointed for these offenders is of the most incessant and galling description the settlement can produce, and any disobedience of orders, turbulence, or other misconduct, is instantaneously punished by the lash." Sir Francis Forbes, chief justice of Australia, the most unquestionable authority on such a subject, declared in a letter to the law reform commissioners, that

> "The experience furnished by these penal settlements has proved that transportation is capable of being carried to an extent of suffering such as to render death desirable, and to induce many prisoners to seek it under its most appalling aspects."

The same learned judge, in his examination before the committee, gave the following remarkable evidence. He said,

> "I have known cases in which it appeared that men had committed crimes at Norfolk Island for the mere purpose of their being sent up to Sydney to be tried, and the cause of their desiring to be sent, was to avoid the state of endurance under which they were placed in Norfolk Island. I think they contemplated the certainty of execution, from the expressions used by them. I believe they did deliberately prefer death, because there was no chance of escape, and they stated they were weary of life, and would rather go to Sydney and be hanged."

And, in reply to a question from my hon. Friend, the Member for Liskeard (Mr. Charles Buller), Sir F. Forbes said,

> "If it were put to myself, I should not hesitate a moment in preferring death, under any form that you could present it to me, to such a state of endurance as Norfolk Island."

In confirmation of these statements, the authority of Sir R. Bourke may be quoted. That gentleman, during the period of his government in New South Wales, was obliged to apply for an Act of Parliament to establish a criminal court in Norfolk Island; and he did so on the express grounds, that if criminals were tried and executed on the spot, it might tend to prevent the commission of the crimes to which I have alluded. The statute required was passed in 1834. It is not to be wondered at that, driven to desperation, as these convicts are, they have not unfrequently attempted to mutiny. In 1834 an attempt of this description was nearly successful. Nine convicts were killed in the struggle which took place; twenty-nine were condemned to death, and eleven executed. Mr. Justice Barton was sent to Norfolk Island to try them: on his return he told the jury of Sydney, that

> "It was painful in the extreme to see the convicts in this place, herding together, without any chance of improvement."

A Catholic priest, of the name of Ullathorne, went to Norfolk Island to afford religious consolation to the convicts, who, I said, were condemned to death for mutiny. He was examined before the committee; and in his examination he gave the following account of the strange scene he witnessed, when he first made known to the condemned the names of those amongst them who were to be executed, and of those who were to be reprieved. The following are his own expressions:—

> "I said a few words to induce them to resignation; and I then stated the names of those who were to die; and it is a remarkable fact, that, as I mentioned the names of those men who were to die, they one after the other dropped on their knees, and thanked God that they were to be delivered from that terrible place, whilst the others remained standing mute. It was the most horrible scene I ever witnessed. Those who were condemned to death appeared to be rejoiced."

Sir! a human being cannot be made unutterably wretched, without becoming in an equal degree depraved. The extremes of misery and of immorality are generally found existing together. In both respects Norfolk Island has not its parallel in the world, except perhaps at the kindred settlement of Port Arthur. In proof of this I will refer to the official report on the state of Norfolk Island, which was drawn up by officers resident there, at the order of Lord Glenelg. The rev. R. Stiles, the resident chaplain stated,

> "That blasphemy, rage, mutual hatred, and the unrestrained indulgence of unnatural lust, are the things with which a short residence in the prison wards of Norfolk Island must necessarily familiarise the convict."

Mr. Arnold, the deputy assistant commissary general, stated in his report,

> "That it is much to be feared that that horrible crime which brought down fire from heaven on those devoted cities of Scripture, exists, and is practised here to a great extent; indeed, I have been informed by one who has the best opportunity of judging of the truth of the information (the colonial surgeon), that actually, incredible as it may appear, feelings of jealousy are exhibited by those depraved wretches, if they see the boy or young man with whom they carry on this abominable intercourse, speak to another person. Crimes, too, of a bestial nature, it is also to be feared, are too frequent. The dying confession of an unfortunate being, who was executed some time ago, proves the truth of this."

These are statements from official documents in which the most implicit reliance can be placed. Similar statements were made by Sir F. Forbes and Dr. Ullathorne. The latter gentleman considered that two-thirds of the convicts in Norfolk Island were guilty of unnatural offences. And, lastly, Messrs. Backhouse and Walker, two members of the Society of Friends, who had been for five years in the penal colonies investigating the effects of transportation, have declared in their report, that "by the acknowledgement of the persons themselves, those crimes were extremely prevalent among them." With reference to Port Arthur, the penal settlement of Van Diemen's Land, Sir George Arthur stated that he had known instances of prisoners at that place actually committing murder "in order to enjoy the excitement of being sent up to Hobart Town for trial, though aware that in the ordinary course they must be executed within a fortnight after arrival." I will not, however, revolt the House by repeating with regard to Port Arthur, horrid details similar to those which I have stated with respect to Norfolk Island. The only other class of convicts, which must be mentioned, includes those who have obtained indulgencies, consisting in a remission of penal labour. A convict generally at the end of four, six, or eight years, according to the length of his punishment, obtains what is termed a ticket of leave, unless he has committed in the colony some considerable offence. A ticket of leave enables the convict who holds it, to work on his own account; and, as there is a great demand for labour in the penal colonies, the holder of a ticket of leave can easily obtain good wages. As this indulgence is liable to be taken away in case of misconduct, it is on the whole a considerable inducement to good behaviour; and appears to me to be by far the least objectionable portion of the transportation system. At the same time it cannot be denied that the greatest abuses have existed in the granting of tickets of leave. But it is not my intention, indeed it would be impossible within the limits of a speech, to mention the various and complicated abuses which have existed in connexion with transportation. My object is to describe that system as a whole, supposing it to be administered in the best possible manner, and omitting from my consideration those defects in the existing system to which it is asserted that remedies can be applied. And upon this description I call upon the House to pronounce an opinion in favour of the discontinuance of that punishment. With this object in view, I now ask, does transportation fulfil the conditions of a good punishment? I answer it does not, for reasons I will immediately state. The object of punishment is to prevent crime. For this purpose the Legislature threatens to inflict certain punishment for certain offences. When an offence is committed, then the Legislature is bound to punish the offender, not for the sake of revenge, but in order to fulfil its promise, and to prove that its threats are not vain and empty menaces. By this means it endeavours to supply an additional motive from without, which may restrain the evil disposed, and inspire them with apprehension. At the same time, it gives to the community the best security in its power against the commission of acts noxious to its well-being; and allays that general alarm, which would be the consequence of the impunity of crime. The chief aim of punishment, therefore, is to produce terror by the example made of offenders. "*Pœna in paucos ut metus in omnes,*" is the basis of all good penal legislation; and to this consideration every other is subordinate. It is equally evident, however, that the great object of punishment, namely, terror, should, as far as possible, be attained with the least amount of human suffering. For it cannot be too often repeated, that the end of punishment is not to make an offender suffer, but to warn others from imitating his example. Therefore, if more than the amount of suffering requisite for this purpose be inflicted, the punishment becomes a cruelty. Indeed, the ideal but impossible perfection of punishment would be found in such an one as would appear to mankind clothed with all the horrors of Tartarus, yet could conduct the offender to Elysium. At all events, however, a punishment is bad when it causes much more pain than is either threatened in the law, or generally believed to be inflicted. For then superfluous pain, that is, pain not producing terror, not accomplishing the object of the law, is inflicted. If transportation be tested by these principles, its defects, as a punishment, are at once apparent. For what is the amount of apprehension it produces? What are its effects on the minds of the criminal population in inspiring terror? The sentence of a judge, in condemning an offender to be transported, may be summed up in the following words. He says to the culprit, "You shall be removed from the land of your birth to a country with which you are unacquainted." "You shall be separated for many years, perhaps for ever, from your friends and relations." And lastly, "You shall be compelled, in your new dwelling-place, to toil for the benefit of others." The two first threats, of banishment and separation from friends (whatever might have been their effect in former times), have gradually lost the greater portion of their penal terror. Because convicts are no longer transported to an unknown and strange land, but to countries inhabited by thousands of their companions in guilt, and to which tens of thousands of voluntary emigrants have been hastening, as to a land of promise. It not unfrequently happens, that whilst a judge is expatiating on the miseries of exile, at the same time, and perhaps in the same place, some active agent of emigration may be found magnifying the advantages of the new country; lauding the fertility of its soil, and the beauties of its climate; telling of the high wages to be obtained, the enormous fortunes that have been made; and offering to eager and willing listeners, as a boon and especial favour, the means of conveyance to that very place to which the convict in the dock has been sentenced by the judge for his crimes. During the last and preceding year, 10,000 free emigrants and 5,000 criminals were landed on the shores of the penal colonies; many of them became servants in the same families, labourers in the same fields; innocent and guilty were thus confounded together, to the subversion of all notions of punishment, and to the destruction of all morality. Can anything be said in defence of such an anomaly in legislation as this? To return to the subject of the apprehension produced by transportation. It must be borne in mind, that punishment is meant to operate chiefly upon those persons who are inclined to commit crimes. It is comparatively useless to persuade the well-disposed that a punishment is a severe one. It is upon the minds of the criminal population that such a conviction ought to be impressed. Now, except in a few cases, all that the latter class can apprehend from such a punishment as transportation, must consist in the penal labour and privations, to which they may be subjected in the colonies. But who can tell, beforehand, what will be the amount of that labour, or the nature of those privations? It has been shown, that the condition of a convict is the merest chance; that it ranges between the two extremes, of a servant subject to trifling restraint, and of a slave enduring long and tedious misery. My conviction is, that much more suffering is inflicted in the penal colonies than is credited in this country; suffering, therefore, unknown; unproductive of good; pure, gratuitous, evil. Nor, from the remoteness of those places of punishment, is it possible to make the criminal population understand the actual condition of a convict. The accounts which they receive, are generally from convicts who have been fortunate in this lottery of punishment, and are therefore too favourable. On the other hand, in the very few cases in which the unfortunate communicate with their acquaintances in this country, it is proved that they generally deny their sufferings; prompted thereto partly by a desire to bring the laws into discredit, and thus to revenge themselves upon the lawmakers and their punishers; partly by the wish, common to such degraded beings, to have companions in misery. In the despatches of Sir George Arthur, many instances of this kind are stated; and that gentleman proposed (with a view to obviate the misapprehensions arising from these sources) that statements of the actual condition of convicts should be published and circulated by the Government. It is evident that this means would prove ineffectual; for the criminal population would place but little reliance in official statements as compared to their own sources of information. If, however, they were better acquainted with the nature of transportation, than in my humble judgment they are or can be, still, all they would learn is, that transportation is a most unequal and uncertain punishment; that it is (as I have already said) a mere lottery, in which there are both many prizes and many blanks. And, judging from all experience with regard to such persons, the hope of obtaining the prizes would with them, as with gamblers, more than counterbalance the fear of the blanks. For these reasons, and supported by the testimony of most persons acquainted with the feelings of the criminal population, I do not hesitate to assert, that transportation produces very little apprehension, far less than that which should correspond to the actual suffering inflicted. Independent of the production of terror amongst the evil-disposed generally, which is the main object of punishment, there are other, but subordinate objects, which a good punishment should effect with regard to the offender himself. I will merely enumerate them. It should make it difficult, if not impossible, for a criminal to commit crime during the period of his punishment. It should so improve his moral character as to render crime distasteful to him; or, if it does not improve him, it should at least, by the experience of the suffering endured, deter him from fresh crimes after the termination of his punishment. And, lastly, it should, if possible, ultimately place him in a position in which he would not be exposed to strong temptations to relapse into vicious habits. In every one of these respects transportation is inefficient. The immense number of summary convictions of which I have already spoken, and the other criminal returns, to which I shall presently refer, prove that crime is very common amongst convicts, both during their period of punishment and subsequently. Even the tortures of Norfolk Island and Port Arthur do not deter them from committing crimes which cause them to be sent to those places a second and a third time. And this is not extraordinary; because such punishments degrade the human being into a brute, destroy his reflecting faculties, and leave him no other thought or wish but the immediate gratification of his appetites. With regard to the reformation of the offender by transportation, Mr. Stephens, the late Attorney-general of Van Diemen's Land, has declared—

> "At all events, if that be one of the objects of punishment, it is on the present plan of transportation hopeless, in the existing state of things nearly all the tendencies of the plan are the other way."

And Captain Maconochie asserts—

> "By transportation the prisoners are all made bad men instead of good; it is shown

by the official reports transmitted with his papers, that scarcely any are reformed, and human nature does not stand still, if not improved it gets worse."

Every witness examined, every document laid before the committee, confirmed these positions. My examination of the effects of transportation, as a punishment, may be concluded with the observation, that the offender at the expiration of his sentence is left in a community, where I may say, without exaggeration, that vice is the rule, and virtue the exception. This brings me to the next question; what has been the moral influence of transportation on the state of society in the penal colonies? An answer is afforded by their criminal returns; which demonstrate that an enormous amount of crime is committed in those colonies; the greater portion of which may be attributed to transportation. For it is evident that in communities like those of Australia, where there is a great demand for labour, where wages are high, where every man who is willing to work can easily obtain a comfortable subsistence, a large amount of crime can only be ascribed to the depraved character of the population, and not to those economical causes which produce misery, want, and immorality, in old and densely-peopled countries. In order that the House may form a notion of the amount of crime in those colonies, I will first refer to the summary convictions in Van Diemen's Land, in the year 1834. I select that year, because there are materials in the despatches of Sir George Arthur, from which a more accurate estimate can be formed of the convictions in that year than in any other. The House should bear in mind that the community of Van Diemen's Land was then a very small one. Its population in 1834 did not exceed 40,000; of whom 16,000 were convicts, 1,000 soldiers, and 23,000 free inhabitants; what proportion of the latter had been convicts it is impossible to say. In this small community the summary convictions amounted to about 15,000 in the year in question; amongst which there were about 2,000 for felony, 1,200 for misdemeanour, 700 for assaults, and 3,000 for drunkenness. 11,000 of these convictions were of convicts, who are summarily punished for all offences to which the penalty of death is not attached. Some of their punishments were very severe, as about 260 convicts received extension of sentence, about 100 were condemned to the penal settlements, 1,000 to the chain gangs, 900 to the road parties, 900 to solitary confinement or the treadwheel, and 1,500 were flogged and received about 51,000 lashes. Amongst the 23,000 free inhabitants, the summary convictions were between 3,000 and 4,000. About 2,200 (that is, nearly one-tenth of the free population) were in one year fined for drunkenness; 200 were fined for assaults; and 800 for offences under colonial acts. In New South Wales the summary convictions were nearly the same in proportion to population as in Van Diemen's Land. In order to complete the account of the state of crime in these colonies, I must next refer to the criminal trials before the supreme court and quarter sessions. It should be remembered that convicts are not tried before these courts, except for offences to which the punishment of death is attached. Therefore a great portion of the following convictions must have been of free persons. On the average of the seven years from 1829 to 1835, both inclusive, these convictions amounted every year to about one in a hundred of the whole population; an enormous proportion; as convictions in England are about one in a thousand, and in Scotland about one in thirteen hundred of the population. A large portion of these convictions were for offences of the greatest magnitude. This appears from the fact that, during the period of which I have spoken, whilst the average population of the penal colonies did not exceed 90,000, the annual number of convictions for murder and attempt at murder were about 34; for rape, 7; for highway robbery and bushranging, 66; for burglary, 50; for forgery, 13; for sheep and cattle-stealing, 53; for larceny and receiving stolen goods, 367. The average number of sentences of death were 132 a-year; of executions, 52; and of sentences of transportation, 369. Thus in seven years, in these communities, whose population did not exceed one-half of that of Westminster, 923 persons were condemned to death, 362 executed, and 2,586 transported; without including the convicts who were summarily transported or had their sentences extended, and who probably amounted to twice as many more. And it may be stated, on the authority of Captain Maconochie, Mr. Justice Burton, and of the criminal returns, that crime has gradually increased in those colonies in a greater proportion than population. In order to give the House a more accurate notion of the state of crime in the penal colonies, than these figures will of themselves convey, I will read a short extract from the report of the committee, in which they calculate what would be the amount of crime in this country, if our criminal statistics were similar to those of the penal colonies. They state:—

> "That in proportion to the respective population of the two countries, the number of convictions for highway robbery (including bushranging) in New South Wales exceeds the total number of convictions for all offences in England; that rapes, murders, and attempts at murders, are as common in the former, as petty larcenies in the latter, country. In short, in order to give an idea of the amount of crime in New South Wales, let it be supposed that the 17,000 offenders who were last year tried and convicted in this country for various offences, before the several courts of assize and quarter sessions, had all of them been condemned for capital crimes; that 7,000 of them had been executed, and the remainder transported for life: that, in addition, 120,000 other offenders had been convicted of the minor offences of forgery, sheep-stealing, and the like; then, in proportion to their respective populations, the state of crime and punishment in England and her Australian colonies would have been precisely the same."

In addition, it should be observed that the committee have omitted entirely from these calculations any reference to the immense number of summary convictions, (some of them for very grave offences), to which I have already referred. That these statements are not in the slightest degree exaggerated, may be proved by the testimony of Judge Burton who, in the charge already mentioned, gave the following fearful picture of New South Wales. He said:—

> "It would appear to one who could look down upon that community, as if the main business of them all were the commission of crime and the punishment of it; as if the whole colony were in motion towards the several courts of justice; and the most painful reflection of all must be, that so many capital sentences and the execution of them had not had the effect of preventing crime by the way of example."

It may likewise be stated, upon the same incontrovertible authority, that there are a great number of crimes committed in New South Wales, the authors of which are never discovered. That much crime should escape detection, is a fact not to be wondered at, when it is known, that the limits of location in New South Wales, embrace an area greater than the whole of England; and that over this vast territory, some thousands of convict shepherds and stockmen roam at large, generally with arms in their hands. I hardly ever take up a newspaper from New South Wales, in which there is not some account of bushranging. For instance, it not unfrequently happens, that a runaway convict, mounted and armed to the teeth, will ride up to the residence of a remote settler, and commit a robbery in the middle of the day; the convict servants generally standing by as idle spectators, and refusing to assist their master in any attempt to resist or arrest the robber. The most atrocious and wanton cruelties are frequently perpetrated by the convict shepherds on the natives. I will mention, as an example, one case which occurred the year before last. In the vicinity of one of the remote cattle stations of New South Wales, a body of natives, amounting to about fifty in number, had been residing for a considerable period of time in perfect tranquillity, molesting no one. On a sudden there arrived at this place some eleven convicts. They seized thirty of the unoffending natives, tied them together with a rope, led them away a short distance from the station, and then put every one of them, men, women, and children, to death, with the exception of one woman, whom, on account of her good looks, they kept as a concubine for one of their comrades. The murderers were subsequently apprehended and tried. The first jury refused to convict, though the evidence against them was conclusive. They were tried a second time for the same, though technically a different offence, and on the same evidence; they were convicted, condemned to death, and seven of them were executed. It may be remarked, as illustrative of the state of feeling in the penal colonies with regard to the natives, that not only did the first jury refuse to convict but the second jury signed a petition in behalf of the murderers. Petitions likewise were presented in their favour from a considerable body of colonists. Some of the colonial newspapers loudly condemned the governor (to use their own words) "for putting white men to death for having killed a few black cannibals."

And the condemned themselves, in their last moments, declared that they were not aware at the time that they were committing any offence in destroying the blacks, as similar acts had been frequent in the colony; and of the truth of this assertion there can be no doubt. In Van Diemen's Land, likewise, similar atrocities have been committed by the convicts. It is recorded that in many instances they killed or castrated the native men, in order to obtain possession of their women. These outrages led to repeated attacks from the natives on the persons and property of the colonists, which at one time threatened the existence of that colony. The settlers, found it necessary, in self defence, to hunt down the natives as if they had been so many wolves. And as the House is probably aware, the aborigines of Van Diemen's Land are now exterminated, with the exception of a few who have been removed to perish in Flinder's Island. Throughout the whole of the Southern Ocean, New Zealand, and the islands of the Polynesian Archipelago, traces are to be found of the cruelties practised by escaped convicts on the aborigines, which have produced amongst them the greatest antipathy to our race, and have been most injurious to our commerce. Sir: though the amount of crime of which I have been speaking appears enormous, yet a moment's reflection on the nature of the materials of which these communities are composed, must dispel all astonishment at its extent. Fifty years ago, when New South Wales was founded, one of the greatest and most original thinkers that this country ever produced, I mean Bentham, foretold the consequences of planting a colony with criminals, subject to a punishment which had no tendency to improve their character; and the result is in strict conformity with his anticipations. Up to the year 1836, 100,000 convicts had been transported, whilst the number of free emigrants to the penal colonies could not have exceeded 60,000. It is evident, even without the confirmation of the facts just stated, that this almost equal admixture of innocent and guilty, could conduce but little to the improvement of the latter, whilst it must have tended greatly to the deterioration of the character of the former. Independent, however, of the pernicious consequences of assembling so many criminals in the same place, where they can form a criminal class, and keep each other in countenance, transportation has operated injuriously to the moral well-being of those communities in another manner. It has caused a great disproportion of sexes. Of the 100,000 convicts of whom I have spoken, not 13,000 were women. According to the last census, the proportion of men to women in the whole population of the penal colonies was as five to two; amongst the convicts in the towns as seven to two; and in the agricultural districts, where the convicts chiefly reside, it was seventeen to one. The question may be asked, why have so few women been transported, when the deplorable consequences of such a disproportion of the sexes are self-evident? The answer puts in the strongest light the great imperfection of transportation as a punishment. The answer is this; that the colonial authorities were generally opposed to the transportation of any considerable number of women, because they found it impossible to devise any means of punishing them which were not liable to the most serious objections. The conduct of female convicts was so invariably bad, that respectable settlers were generally unwilling to receive them as assigned servants in their families; and preferred the services of men in those domestic occupations which are usually performed by women. In some families in which they were received, the most lamentable results ensued, from the corruption of young children entrusted to their charge. And it is needless for me to describe what were the consequences of their being assigned to the lower description of settlers; they were such as the colonial authorities could neither sanction nor overlook. Lastly, the women who were assigned, were constantly returned to the government to be punished for misconduct; and the government was, as I have already observed, utterly at a loss what to do with them. Sir, penitentiaries are the only modes of punishment suitable for women. But in the penal colonies there were no means of establishing a good penitentiary system. Indeed, for a considerable period, the penitentiary in New South Wales was little better than a brothel, and a lying-in hospital. As the only means of disposing of female convicts, marriages were encouraged between them and the free and convict populations; and numerous marriages did take place. Though this plan of dealing with female offenders is at variance with every notion and object of punishment, yet I do not hesitate to declare my opinion, that it was the best and wisest under existing circumstances. In support of this position, the high authority of Captain Maconochie may be quoted, who has had the best means of ascertaining the moral effects of transportation. That gentleman thought it would be desirable to give the greatest possible extension to the marrying of female convicts; and for this purpose he even proposed that

> "Convict married women, whose husbands refused after a given time to join them, should become free to form fresh connections."

And Captain Maconochie asserted, that he could

> "Prove the expediency of this plan, by statements of the consequences of the want both of husbands and wives in the penal colonies, as would make the blood curdle."

It is not necessary to make any observations as to the propriety or impropriety of such a plan; but I ask the House to consider what must have been the impression made upon the mind of a highly intelligent gentleman, by the disproportion of sexes in the penal colonies, which could induce him to recommend a scheme so utterly inconsistent with the ordinary notions with regard to marriage. The difficulties which beset the question of female transportation appear to me to constitute most grave and valid objections to the whole system of transportation; but, in my humble judgment, they are not sufficient to justify the discontinuance alone of female transportation. For if this country continue to send thousands of its worst offenders to become first slaves, then citizens in Australia, they must be accompanied by women; otherwise those disgusting vices, which there is every reason to believe prevail among the convict population, will fearfully increase, and spread their contamination throughout the whole community. A short time ago an attempt was made to render the proportion of sexes in the penal colonies more equal, by means of free female emigration. This attempt completely failed; partly from mismanagement. It was undertaken by some benevolent individuals, who were very ill qualified for the task. They formed a committee for the purpose, and obtained a grant of money from the government. Their secretary was one Mr. John Marshall, who at the same time undertook the incongruous functions of chief agent for the selection of emigrants, and contractor for their conveyance to the colonies. In short, he became the committee itself. The result was, that the streets of Sydney and Hobart Town were crowded for a time with female prostitutes; and vice became, perhaps less disgusting, but more apparent. In this manner some forty or fifty thousand pounds of public money were expended. It is vain to think of altering the proportion of sexes in the penal colonies by means of good female emigration, as long as transportation continues; because respectable women will not consent to go alone to dwell among convicts. Attempts have been made in the penal colonies to deny the demoralizing effects of transportation on the state of their societies; and resolutions to that effect have been passed at meetings composed of persons who considered that they had a deep pecuniary interest in the continuance of convict slavery. Such resolutions, unsupported by facts, and in direct opposition to the undoubted facts which I have stated, are of little value; unless they may be considered as evincing the moral insensibility of those who agreed to them, and thereby proving the contrary of what was intended to be proved. There are, undoubtedly, amongst the officers of the government and the higher class of settlers many very respectable individuals; nevertheless, it appears to me that the pernicious moral influence of transportation must be felt by all persons resident in those colonies. Let hon. Gentlemen picture to themselves the life of a settler in a community where three-fifths of the population have been convicted of transportable offences; where, to use the words of Mr. Justice Burton, the main business of all seems to be the commission of crime and the punishment of it; where some of the wealthiest inhabitants, the greater portion of the tradesmen, publicans, and innkeepers; where almost all the servants in private families, the labourers in the fields, and the workmen on the roads; where the police (as in Van Diemen's Land), the superintendents of the convicts, the gaolers, witnesses in the courts of justice, members of the jury on the trial, and even at one time magistrates on the bench, and instructors of youth in the schools, were or had been convicts. Thus, at every moment, and in every occupation of life, the settler is brought into contact with criminals. He is surrounded by crime, and haunted by the spectacle of cruel and degrading punishment. On the roads and in every public place he constantly meets gangs of wretched beings in chains, displaying all the outward tokens of misery. The shopkeeper with whom he deals has probably been convicted of swindling. The servants who attend upon him are all convicts; the women, at best, drunken prostitutes; the men hardened ruffians; in order to make them work, he must either connive at their vicious conduct, disobey the regulations of the government, and pay them wages, or he must have constant recourse to a magistrate and to the infliction of the lash. Let hon. Members reflect upon what may be the consequences of all the servants in a family being criminals, sometimes of the worst description. A gentleman, long resident in one of those colonies, informed me that he had on his establishment four convict servants; that on inquiry, he found that one had been transported for forgery, another for burglary, the third for an attempt at murder, and the fourth for some bestial offence. He was obliged to retain them in his service, because he could get no others; and his friends were no better off than himself. It is easy to imagine what may be the consequences of such an establishment of servants; and that crimes, unparalleled in this country, are sometimes perpetrated in the interior of the most respectable families. I will mention a horrid case, which occurred in the family of a wealthy and respectable settler in Van Diemen's Land. It was discovered that his two daughters, one an infant of five years old, the other a girl of thirteen, had had repeated connexion, not with one, nor with two, but with all the convicts in their father's establishment, which was a large one. Three of the offenders were hung for rape on the infant, and all of them would have been executed had their master brought them to trial. Such was the statement made to the committee by a gentleman who was on the jury. He gave the details of the case, over which the decencies of the House compel me to cast a veil. To conclude the description of the life of a settler in the penal colonies. In Van Diemen's Land the convict police may break into his residence at any hour of the night, on pretence of searching for a runaway convict; and may even arrest him on the public road, on suspicion of his being a prisoner of the crown. In New South Wales, if he be summoned to attend on a jury, he frequently finds that some of his fellow-jurymen have been convicts; that they sympathise with the criminal in the dock, and are determined at all events to acquit him. If he be a magistrate, his constant occupation is to order the infliction of the lash for trifling offences, and, in some instances, by personal inspection to ascertain that the convict scourger does his duty with sufficient severity. In short, he dwells in a vast and ill-regulated gaol. He is himself, to all intents and purposes, a gaoler, and of the worst description; because, induced to undertake that revolting task, not by any peculiar mental or moral fitness for its due performance, but by the insatiate desire of wealth. His object is not to execute the threats of the law, or to improve the offender entrusted to his care, but to extract the greatest amount of labour from a slave. This description of the position of a free settler in a convict colony is as true as it is disgusting. What must be its effect upon his character? All experience proves that slavery of every kind has a bad effect on the character of the master; that it tends to make him harsh, cruel, and tyrannical; yet in ordinary slavery, as, for instance, in the United States, there are many causes which tend to mitigate its evil effects; such as the permanent interest of the master in the slave; the circumstance that master and slave are frequently brought up together in childhood, and the kindly feelings which thence ensue. None of these causes, however, can operate when the slave is a criminal, and the master has no permanent interest in him. The feelings, on one side, must be those of distrust and apprehension, on the other of hatred and fear. Hence it may reasonably be inferred that convict slavery must be the most injurious of all to the character and temper of the master. It can hardly be doubted that it must be equally injurious to his children. Yet, strange to say, the contrary opinion has been held. It has been maintained that transportation encourages the virtuous sensibilities of the rising generation of the penal colonies; that, as of old the Spartans were wont to intoxicate their Helot slaves in order to impress upon their offspring the hideousness of drunkenness, so, it is said, the perpetual spectacle of crime and punishment stimulates the moral energies of the youth of Australia, and renders them peculiarly averse to dishonourable and disgraceful conduct. This absurd doctrine, according to which a gaol would be the fittest place for the education of children, has been propounded in sober seriousness by some of the interested advocates of transportation. I need not stay to refute it. But let me now ask hon. Members what benefit of any kind, sort, or description, is derived from such a system as transportation? Does it prevent crime? Certainly not; for it produces very little apprehension. Does it improve the character of the culprit? On the contrary; it leads to his utter demoralisation. Does it diminish the number of offenders? No; the abode of some of them is changed at an enormous expense, and a small portion of our burden of crime is transferred from England to be increased a hundred-fold in Australia. Is it then a punishment of which a civilised nation may boast? Sir, it is unequal, uncertain, productive of more pain than terror, cruel, tyrannical, and disgraceful. Bad as it is as a punishment, it is still worse as a means of colonisation, for it has given birth to the most depraved communities in the universe. I may, therefore, without presumption, assume that some change, at least, must be made in the existing system. The question still remains, can any such alterations be made in transportation as shall render it a good punishment; or should some other punishment be substituted in its stead? In my humble judgment, the latter alternative ought to be adopted, and transportation should forthwith be abolished. In holding this opinion, I am sorry to be obliged to disagree with the noble Lord, the Secretary of State for the Colonies (Lord John Russell), who has suggested the continuance of a portion of transportation. I say he has merely suggested it, because he has not pronounced a decided opinion on the subject; and I cannot help hoping that he may be induced to reconsider that opinion. The plan of the noble Lord is contained in a letter from him to the late Secretary of State for the Colonies; which was laid, at the end of last Session, on the table of the House. In that document the noble Lord states, with great force and ability, all the arguments against transportation; and concludes with recommending; first, the immediate discontinuance of the assignment system; secondly, that convicts sentenced to seven years' punishment shall cease to be transported. So far I entirely agree with him. But, lastly, he proposes that convicts sentenced to more than seven years' punishment shall be transported to Norfolk Island, where they are to undergo the severer portion of their punishment; subsequently they are to be removed to the public works in New South Wales. This plan is liable to the same objections which have been urged against the existing system of transportation; and of this the noble Lord is well aware. For in the paper to which I have referred he has stated one of the most serious of those objections in the most explicit terms. In the twenty-first paragraph he says, besides other objections to the sending of convicts to Norfolk Island, there is this defect in the proposal.

> "That it would leave the main evil of transportation in full vigour. No one would advise the transport of criminals to the distance of Norfolk Island with the intention of bringing them back at the expense of the public to England. The consequence must be, that at the expiration of their sentences they will flock to the Australian colonies, and render that noxious atmosphere more foul by the addition."

And in the next paragraph he calls this a "fatal objection." It does, indeed, seem a fatal one; and I, therefore, presume to beseech the noble Lord to reconsider this portion of his plan. But there are other, and equally fatal objections to it. I ask, what description of punishment is to be inflicted upon convicts in Norfolk Island? Is the existing system to be continued there? I hope not, after the description I have given of it, and after the emphatic condemnation of it by the noble Lord himself. But what other system can be established, which will preserve discipline among the convicts in these settlements? Herein consists the difficulty. The cruel system of the penal settlements did not result from any love of cruelty on the part of the officers who managed those settlements, but from the attempt to enforce discipline by means of coercion alone; hence frequent and severe punishments for the most trifling offences, and a state of things worse than death. But if severe coercion be not employed, all experience shows that the only other means of preserving discipline among large numbers of offenders, is by well-constructed gaols or penitentiaries. Will you build gaols and penitentiaries in Norfolk Island? Who are to build them? The convicts? But how is discipline to be preserved amongst those convicts while the gaols are building? You cannot even have a hulk at Norfolk Island, for there is no harbour there except for boats. Discipline must, therefore, still be preserved by the lash. Then the horrors of Norfolk Island will have to continue for an indefinite period of time. And this I cannot believe that either the noble Lord intends, or that the House will sanction. But I will suppose that it is your intention to build gaols and penitentiaries in Norfolk Island. Have you calculated the expense of building them in a small island, without timber, without harbours, in the midst of the Southern Ocean, one thousand miles from the abode of civilized man? The history of convict labour in New South Wales and Van Diemen's Land proves that it is only the commonest description of labour, and a very small quantity of that, which can be extracted from a criminal by punishment. In order to build, you must therefore have free, skilled labourers of various descriptions, superintendents acquainted with building, and artificers of every sort. How will you get them, except at an enormous expense? And when you have got them, how will you persuade them to remain in your convict island, with the labour market of New South Wales, South Australia, and New Zealand open to them, offering to them the highest wages, and temptations which you cannot permit in your penal settlement, without a subversion of penal discipline? In short, what inducements can you offer which shall tempt them to reside in a place, where life is so miserable, that even your own soldiers have lately risen in revolt? For these reasons, I feel persuaded that the cost of building penitentiaries in Norfolk Island, with the assistance of convict labour, would far exceed the cost of building better penitentiaries in this country, and of maintaining, at the same time, the convicts, if necessary, in idleness. Again, how are the home authorities to exercise the requisite degree of vigilant superintendence over these remote places of punishment? Why, I ask, have you lately appointed inspectors of prisons in this country, and directed them annually to report to Parliament? Because you have become aware that without constant inspection, you cannot enforce proper penal discipline, even at home, that you cannot trust to unobserved authority even at your own doors. Have you any reason for placing greater confidence in gaolers at Norfolk Island, or will you send inspectors yearly to the antipodes? And even then a year must elapse before a remedy can be applied to the best proved abuse. Again, will you send women to Norfolk Island, or is it to be inhabited only by men? Have you well considered this matter? Is it necessary to repeat the statements of the highest authorities, that wherever large numbers of male offenders are collected together in the penal colonies, there unnatural crimes are fearfully prevalent? The only means of preventing those crimes is, by the complete separation of prisoners; and this cannot be effected till gaols are built. What can be said in reply to these objections? The only argument I have ever heard in favour of the Norfolk Island plan is, that that island is said to possess the average degree of fertility common to places in the vicinity of the tropics; hence it is supposed that convicts might there raise the greater portion of their own subsistence, and that their punishment would be an economical one. Passing by the fatal objection to this plan, that it would require the employment of large bodies of convicts together in the fields, and consequently a system of coercion analogous to the present one; I utterly disbelieve that the attempt, if made, would be successful. First, because all similar attempts have hitherto failed; secondly, because the island in question is a very small one, not containing above 17,000 acres, most of which is dense jungle, and unfit for the growth of corn. But if this attempt do fail, or only partially succeed, reflect what will be the cost of conveying supplies of food from Sydney to this place, which by nature is almost inaccessible. Remember, likewise, that the cost of subsistence, and of every necessary in Sydney, is always much higher than in England. Judging from experience, a notion may be formed of what the expense of such a settlement is likely to be. In 1836, when the number of convicts did not exceeed 1,000, the rations of salt meat alone in Norfolk Island cost 12,500*l.*; and, according to the commissariat officer resident there, the expence of that settlement to this country has been 30,000*l.* a-year, or about 30*l.*

a-head for each convict. Now, estimating the average duration of each convict's punishment there to be four years, and the cost of transport to and from Norfolk Island not to exceed 25*l.*, the whole expense of the punishment of each convict would be 145*l.*, which is one-half more than the sum for which the noble Lord estimates that convicts could be kept in the most expensive penitentiaries, like that of Millbank. I, therefore, again presume to ask the noble Lord to reconsider this portion of his plan: for I feel convinced that if it be adopted, it must ere long be abandoned, after a worse than useless expenditure of public money; because, after an exhibition on a larger scale of that portion of the existing system which all authorities concur in condemning as most foul and disgraceful. It is necessary to say one word with regard to a totally new mode of punishment, which is suggested in the noble Lord's letter to the late Colonial Minister. I mean what is called the social system of Captain Maconochie. According to that system, criminals are to be associated together in small parties of seven or eight individuals, each of whom is to be held responsible, not for his own conduct, but for that of all the others with whom he may be associated. And thus it is expected, that with the usual opportunities for crime which attend on being at large under the transportation system, offenders would be induced to abstain from crime by their mutual regard for one another. This curious proposal outrages every law of human motives; it is in direct opposition to every principle of punishment, as a check to crime; it would almost seem to have been intended for a purpose of mockery. It is like bestowing riches on the profuse, at the expense of the thrifty; like rewarding the reckless with the deserts of the careful. It is, in fact, to all intents and purposes, punishment of the innocent for the crimes of the guilty. Sir, in recommending the immediate abolition of transportation, the House will expect that I should offer some substitute in its stead. This I will now endeavour to do, entreating the House, however, to make allowance for the imperfect manner in which I am afraid I shall execute this attempt. I propose that convicts, instead of being transported, shall be punished in hulks, gaols, or penitentiaries to be built for that purpose. It is true, that the hulks are not the best description of punishment, but they would afford an immediate substitute for transportation till penitentiaries can be built. They are, however, positively preferable to transportation; because they produce much more apprehension; because convicts in the hulks can be subjected to much more efficient superintendence and inspection than in the penal colonies; and lastly, because they are somewhat less demoralizing, and, as I will presently show, a less expensive punishment than transportation. The ultimate and permanent substitute for transportation should be one or more forms of the penitentiary system. Experience has shewn, that the best form is that which was first suggested by Mr. Bentham, and recommended by him, in preference to the formation of the penal colony of New South Wales. I mean the separate system. According to that system, offenders are kept entirely apart, and never allowed to associate together, or to become acquainted; they are visited by persons appointed for the purpose, whose duty it is to afford them religious and moral instruction; and they are permitted, not compelled, to work. This description of punishment has most of the qualities of a good punishment. It produces a great degree of terror. It is certain and equal. It is easily apportioned to various degrees of crime. It renders the commission of crime during the period of punishment almost impossible. It prevents the formation of those acquaintances amongst criminals during punishment, which are found to be one of the greatest sources of crime, and which generally lead to the permanent demoralization of the culprit. It entirely severs for the period of punishment, all connexion between the offender and the rest of the criminal population, and thus breaks through his vicious habits. It tends, by the opportunity afforded for reflection, and by intercourse with properly chosen instructors, to improve, as far as possible, the moral character of the offender. And, lastly, arbitrary punishments are not required in order to preserve discipline, or enforce labour: labour, therefore, becomes a source of enjoyment instead of pain, and the culprit is thus best fitted for a subsequent life of honest industry. The ordinary objection to the separate system is its expense. Though when a great moral advantage is to be obtained, the question of expense is one of minor importance, yet it cannot be entirely overlooked. With regard, however, to the separate system, it can be proved that it would cost less than any of the proposed substitutes for the assignment system; which I assume it is the intention of the Government to persevere in discontinuing. It may even be shown, that it would not be more expensive than transportation has been. In proof of these positions, it will be necessary to state what appears, from the best authorities, to be the expense of various kinds of punishment. First, of transportation as it has existed. From the foundation of the penal colonies to the year 1836, the total expenditure of this country on account of these colonies, has exceeded eight millions. During that period 98,000 convicts have been transported. Their punishment has, therefore, cost at least 81*l.* a-piece up to 1836. At that time there were still 46,000 of these convicts under punishment; the subsequent expenditure on their account, which there are no data for ascertaining, must be added to the sum just mentioned, in order to make up the total cost of their punishment. This proves at once that transportation has been of the most costly description of punishment, equal, at least, to the system of the penitentiary at Millbank. This fact may astonish hon. Members. It has escaped attention, owing to the circumstance that the expenditure on account of transportation is scattered over a variety of estimates. For instance, one portion of it is to be found in the navy estimates, another portion amongst the army estimates, the third amongst the ordnance estimates, and the remainder in the miscellaneous estimates. It has never been presented as a whole to the House previous to the labours of the transportation committee. It may, however, be said, that great unnecessary expense was incurred in the earlier periods of transportation, and that it has now become much less costly. I am by no means persuaded of the truth of this position. In the year 1836-7, the public expenditure on account of the penal colonies amounted to nearly half a million. It consisted of three items:

Transport of convicts to the penal colonies . . .	£73,000
Expenditure on account of convicts in those colonies . .	241,000
Military expenditure . .	174,000
Total . .	£488,000

In addition to this sum, the colonial expenditure on account of the administration of justice, gaols, and police, was 90,000*l.* a year; an enormous amount, as it is nine times as great in proportion to population, as that of the United Kingdom for similar purposes. The greater portion of this expenditure evidently belongs to transportation. And it should be mentioned, that the legislative council of Van Diemen's Land refused the estimates for two thirds of their portion of this expenditure, on the plea that it ought to be defrayed by this country. Supposing, however, that only one half of the military and judicial expenditure ought to be attributed to transportation, the average cost of each convict's punishment would be 8*l.* a year, exclusive of transport. If the average duration of a convict's punishment be taken at only seven years (the shortest period of transportation), and the cost of transport be reckoned at 15*l.* a piece, then the whole cost of a convict's punishment would be 71*l.* under the existing system of transportation and assignment. If assignment be abolished, and the convicts be placed under the immediate superintendance of the colonial Government, it appears from Sir G. Arthur's estimates that an additional expenditure would be required of at least 10*l.* a year for each convict; the whole expense of a convict's punishment would therefore be 141*l.* It should likewise be remarked, that at present the masters perform the duties of gaolers and guards to their convict servants; therefore, if those convicts be placed under the immediate care of Government, according to Sir Richard Bourke a large increase of military force would become necessary. If the Norfolk Island plan be adopted, and even if, on account of the greater severity of that punishment, only four years be taken as the average duration of a convict's punishment, then, for reasons which I have already stated, the cost of this punishment would be 145*l.* for each convict without including the cost of the subsequent portion of his punishment on the public works of New South Wales. I have thus endeavoured to state what appears to me to be a fair estimate of the expense of the existing system of transportation, and of the two proposed modifications of that system; namely, the employment of convicts on the public works of the penal colonies, and the Norfolk Island plan. I ask the House to compare these estimates with those furnished by the noble Lord with regard to hulks, gaols, and penitentiaries. The noble Lord reckons four years to be the average duration of punishment in gaols and penitentiaries. This, it should be remarked, is generally considered to be a punishment equivalent to fourteen years transportation. Therefore my estimates, founded upon the supposition that seven years are the average duration of transportation, will be considerably too low as compared with those of the noble Lord, which I will now read :

> "The average expense of each convict kept in the convict hulks in England for a period of four years would not be less than 30*l.*; if kept in a house of correction, such as those of Wakefield or Coldbath Fields, would not be less than 55*l.* or 56*l.*; and if kept in a penitentiary, similar to that of Millbank, would not be less than 96*l.*"

From these estimates it appears that if the punishments, of which I have been speaking, be arranged according to their expensiveness, the first and most expensive of all would be the Norfolk Island plan, which would cost at least 145*l.* for each convict. The next in the scale of expense would be the employment of convicts on the public works of the penal colonies; the cost of which would amount to more than 141*l.* a convict. The third would be penitentiaries similar to that of Milbank, estimated by the noble Lord at 96*l.* a convict. The fourth would be the existing system of transportation and assignment which costs at least 71*l.* a convict. The fifth would be houses of correction like those of Wakefield and Coldbath-fields, amounting to between 55*l.* and 56*l.* for each convict. And the last and cheapest would be the hulks, the expense of which is much under estimated by the noble Lord at 30*l.* a convict. None of these descriptions of punishment precisely include the separate system, which I have proposed as the substitute for transportation. In the Glasgow Penitentiary, the only one in Great Britain on the separate system, the average cost of each convict's punishment has not exceeded 5*l.* a year, or 20*l.* for the four years. I may, however, suppose on the authority of the prison inspectors, that the average cost of a convict's punishment in the best penitentiaries on that system, would be about 18*l.* a year, or 72*l.* for the four years. Thus it appears, that whatever description of penitentiaries be adopted, they would cost less than either of the proposed modifications of transportation. These estimates only refer to the maintenance and superintendence of convicts; they do not include the cost of building the requisite gaols or penitentiaries. With regard to this subject, it should be borne in mind, that at present all the assigned servants, who constitute the greater portion of the convicts, are lodged, clothed, and guarded by their masters. If the assignment system be abolished (and there is no one, I presume, who will propose the continuance of that system, condemned as it is by the Government and all competent authorities,) then, whatever system be adopted, buildings must be erected to contain the convicts. What would be the cost of such buildings? From the high price of labour, and of every material, they would be much more expensive in the penal colonies than in this country. I think it may be asserted, without exaggeration, that they would cost one half more in New South Wales than in England, and twice as much in Norfolk Island. From the best information which I have been able to obtain upon this subject, namely, from the prison inspectors, it appears that the most perfect description of penitentiaries might be built for about 120*l.* a cell. How many cells would be required? The noble Lord estimates that if transportation were abolished, the number of convicts to be disposed of would be about four thousand a year. If the average duration of their punishment be four years, then ultimately sixteen thousand cells must be built. Sixteen thousand cells, at 120*l.* a piece, would cost 1,920,000*l.* This sum, at four per cent., would be equivalent to an annual expenditure of 76,800*l.* From these data it is easy to reckon the cost of the system proposed. The maintenance, superintendence, &c., of 16,000 convicts on the separate system, at 18*l.* a piece a-year, would amount to 288,000*l.* a-year. The interest of the money expended in building penitentiaries would be 76,800*l.* a-year. Total cost of the separate system, 364,800*l.* a year. If hon. Gentlemen would take the trouble of making similar calculations with regard to the Norfolk Island plan, or that of employing convicts on the public works of the colonies, they would find that, exclusive of the cost of building the requisite gaols, the annual expense of these punishments would be from 500,000*l.* to 560,000*l.* a-year; or from 140,000*l.* to 200,000*l.* a-year more than the separate system for the same number of convicts. It appears to me, however, that a system of punishment is incomplete, which does not make some provision for the future career of the culprit at the termination of his punishment. The questions, "What is to be done with offenders at the expiration of their sentence?" "How are they to be prevented from returning to criminal pursuits?" are undoubtedly questions of considerable difficulty. Some persons consider that transportation solves these questions. This I deny. The effect of transportation is merely to remove offenders from England, and ultimately to turn them loose, unreformed in Australia; where they find a large class of criminals to associate with, and where, as has already been shown, they commit innumerable offences. What benefit, then, from such a system? No one would consider that any advantage would be obtained, if the means employed in diminishing crime in Cornwall, for instance, augmented in a greater degree the number of offences in Yorkshire. This is, however, precisely the effect of transportation with respect to England and Australia. By this proceeding the sum total of offences in the British dominions is certainly not lessened but considerably augmented; and the Legislature fails in obtaining the great object of punishment, which is to prevent crime, not merely to change the place where it is committed. In order to prevent a criminal from perpetrating fresh offences, when the period of his punishment is over, his moral character ought to be improved by it, and he should be placed in a position in which he would not be exposed to strong temptations to relapse into criminal habits. In both these respects, the inefficiency of transportation has been demonstrated. On the other hand, it is acknowledged by every person conversant with the subject of penal discipline, that the separate system tends, more than any other punishment, to improve the moral character of an offender. It cannot, however, be denied, that if at the expiration of his sentence, a prisoner were turned loose in this country, with a character blasted by punishment, he would have great difficulty in finding employment, and might in many cases, be compelled to maintain himself by crime. To meet this difficulty, a plan has been proposed by the Archbishop of Dublin. The House is aware, that the Archbishop of Dublin has been of late years the great opponent of transportation; in his steps I have endeavoured humbly to follow; and to him I feel most deeply indebted for the advice which he has kindly and graciously afforded me with regard to this subject. The plan of the Archbishop of Dublin is contained in a letter inserted in the report of the committee. It is simply this: that liberated offenders, who would consent to emigrate should be furnished with the means of conveyance to portions of the globe where they would easily find employment, and where their previous career would be unknown. They should on no account be all sent to the same place; because they would there form a criminal class, and thus reproduce many of the worst effects of transportation; and for this reason, they should not be permitted to go to the penal colonies for the next fifty years. By being dispersed amongst the moral and industrious, far removed from the scene of their transgressions, and without any known taint on their character, the good feelings and habits acquired in confinement would be strengthened, and a new career would be opened to them; which cannot be the case under the existing system of transportation, or any of its proposed modifications. This plan, or some analogous one, seems to me to be a necessary accompaniment to a good system of punishment. It would entail an additional expense of about 15*l.* a head, at the utmost, for every prisoner who would consent to emigrate. How many would consent so to do it is impossible to estimate; but supposing all the 4,000, who it may be considered would annually become free, were to consent, their emigration would cost the country about 60,000*l.* a-year. This sum added to my previous estimate for the building of penitentiaries and the maintenance of 16,000 convicts in them, would make a total amount of 424,800*l.* a-year for the system proposed. The House will remember that I stated the cost of transportation to be at present 488,000*l.* a-year Therefore, the expense of the separate system, including the plan of the Archbishop of Dublin for providing for the subsequent career of the prisoner, would be 63,200*l.* a-year less than that of transportation.

It is true that if transportation were abolished, the whole of the expenditure on account of the penal colonies would not at once be saved. There would, however, be a considerable immediate diminution of expense; first, of at least 73,000*l.* a-year for the transport of convicts; secondly, it is probable that by the end of four years, when the new system would come into full operation, the convict and military expenditure might be diminished to one half its present amount. Now, making these allowances, and the proper calculation, the result would be, that the additional expense to this counrry from adopting the system I propose, would not exceed 144,000*l.* a-year, and be ultimately much less. The additional expense which would ensue from adopting the Norfolk Island plan, or that of employing convicts on the public works of the penal colonies, would, for reasons already stated, be much greater; though how much greater there are no means of calculating. In making these estimates, I have been most anxious not to mislead the House by putting down the expense of the separate system too low. I do not deny that penitentiaries might be expensive, but only assert that they would be less expensive than any of the proposed alterations in the existing system of transportation. I do not recommend them merely as being cheap punishments. I entreat the House not to be led away by any notion of an economical punishment; for, by its nature, punishment must be an expensive thing. All our attempts at economical punishments have hitherto signally failed; and the result has been bad and expensive punishment. It is a matter for sorrowful reflection, that if at the end of last century we had listened to the voice of that great philosopher, Bentham, we might ere this, for a less expense than transportation has cost us, have had the best system of prison discipline in the world; and our secondary punishments would have been a model for mankind, instead of being, as now, a deep reproach to the empire. As a great change must immediately be made in our system of punishment; I implore the House to take warning from our predecessors, and not to commit errors similar to theirs, which would entail disgrace upon us with posterity. The only other objection to the punishment of criminals at home, to which I need to allude, is an official one; and is frequently urged by persons connected with the administration of punishment. It is said, that if offenders were punished in penitentiaries, the Home Office would be beset with memorials for the mitigation of punishment; that those memorials, supported as they frequently would be by political partisans and other influential persons, could with difficulty be rejected; that a check is now put to inconvenient solicitations on behalf of convicts, by removing them to a distance; and that at present a considerable portion of an offender's punishment is inflicted before a remission of sentence can reach the penal colony. To this I answer, either the application for the mitigation of a particular convict's punishment is, or is not, well founded. If it be well founded, then a grievous injustice is done to the convict by removing him to such a distance, that he cannot at once obtain that remission of punishment to which he is entitled. On the other hand, if the application for mercy is unfounded, then the conduct of a minister of the Crown, who consents to a remission of the sentence, is highly reprehensible. He is guilty of a great offence against society, by rendering punishment uncertain, and diminishing the force of the motives to abstain from crime. If it be said that such abuses will exist as long as the Secretary of State for Home Affairs possesses his present power of pardoning; then I reply that power ought to be limited, or placed in other hands; for so exercised, it is evidently inconsistent with the public good. And I cannot help thinking that the power of pardoning should be transferred to some judicial tribunal, which would act according to rule, and which should clearly and distinctly explain its reasons in each particular case for remitting or mitigating punishment. At present, the remission of a sentence is an arbitrary act of a Minister of the Crown, for which he assigns no reasons, and which every person interprets according to his own fancy. This tends to produce uncertainty as to the execution of the laws; and causes many an offender, who has powerful protectors, to hope (justly or unjustly it matters not) for impunity. This subject well deserves the serious attention of Parliament; but it is one which I cannot enter upon at present. I will only observe again, that the plea that the Home Secretary would be compelled to abuse his power of pardoning with regard to prisoners in penitentiaries, is not a valid argument in favour of transportation, but furnishes good reasons for depriving him of that power. The question may still be asked, what is to be done with the convicts in the penal colonies? This is a mere question of time. So much of the present penal system must be retained, as is necessary for the punishment of the offenders now in the colonies. By the termination of four years after the abolition of transportation, a very considerable portion of the convicts would either have become free, or half free, by obtaining tickets of leave. The remainder should be withdrawn from assigned service; the worst characters should be punished in the gaols or public works; and the well-conducted might be permitted to be at large under certain restrictions. These are questions, however, of mere administrative detail, which a person on the spot could easily solve. Send out a governor well acquainted with the subject; arm him with sufficient powers; make him responsible for bringing the existing system to a satisfactory termination; and four or five years would enable him to accomplish the greater portion of his task. Amongst the great evils of having once adopted any bad system, is the difficulty which attends the getting rid of it, the length of time which must elapse before all its pernicious consequences can be rooted out, and the excuse which is thus afforded for hesitation and delay. Remember, however, that in this case delay will only increase the difficulties of those who will have ultimately to abolish transportation; and every ship-load of convicts which you send to those colonies will render (to use the noble Lord's own expression) "their noxious atmospheres more foul;" and consequently, their period of purification more remote. I will conclude with a few observations on the effects of the abolition of transportation on the wealth of the penal colonies. The House is, without a doubt, aware of the extraordinary and unparalleled rapidity with which those colonies have advanced in wealth; and that that progress is mainly to be attributed to the fact, that the settlers have been abundantly supplied with convict slaves, who have enabled them to pursue various profitable branches of industry. Now that the Government has determined to abolish the assignment system, the settlers will, in a short period, be deprived of convict servants; and the prosperity of those communities will terminate, unless they be supplied with labour from other sources. The only source from which they can be beneficially supplied with labour, is by free emigration from this country. There are, however, several difficulties which beset the question of free emigration. Persons who are inclined to emigrate, have of late become acquainted with the unfortunate moral state of the penal colonies: many of them are, in consequence, unwilling to confound themselves with convicts by going to a convict settlement. I am not surprised at it. I cannot conceive how any respectable or virtuous man, how any person who is or intends to become the father of a family, in short how any individual in whom the thirst of gain does not outweigh every other and better consideration, can consent to become an inmate of one of these communities of felons, as long as there is any doubt as to the total discontinuance of transportation. To the honour, be it said, of the poorer classes of this country, there is a great and growing disinclination amongst them to emigrate to these colonies. This feeling prevails especially in Scotland. It exists in England, and has been excited in Ireland through the exertions of the Archbishop of Dublin, who has felt it to be his religious duty to discountenance emigration to New South Wales. Therefore, with the discontinuance of the assignment system, the industry of the penal colonies will be materially injured, if not subverted, unless transportation to them be entirely abolished. And even this will not be sufficient, if the Norfolk Island system be adopted, and convicts be ultimately turned loose in New South Wales: a project to which, I may assert, the colonists are unanimously opposed, as perpetuating all the moral evils of the existing system, without any of the economical advantages of convict slavery. Abolish transportation, and there will be no difficulty in procuring emigrants for those colonies. But still it may, and not unjustly, be objected to me by some persons who might ask, "Would you promote emigration to communities which you have described as so demoralized? Would you send innocent persons to places where they would be almost certain to be contaminated by intercourse with the guilty?" I answer, that the amount of emigration should be such as would, within a very short period, entirely swamp the convict population, and completely alter the moral character of those communities. If only a few thousand emigrants were sent out every year, a considerable portion would, in all probability, be demoralized. If, however, their numbers were to be reckoned by tens of thousands, the convict portion of the population would soon become an inconsiderable minority. As this subject was discussed last year in a debate on the motion of my hon. Friend, the Member for Sheffield, I will not repeat the calculations, from which I inferred that if (supposing transportation abolished) 100,000 persons were to emigrate during the next four years to the penal colonies, those communities would be completely purified and amply provided with labour. They would then take their proper station amongst the colonies of England. They would be qualified to receive those free institutions without which they can never be well governed, but which it would be absurd to bestow upon them as long as they are gaols, or one-half of their population is composed of offenders. The expense of such an amount of emigration would probably be 1,500,000*l.*; estimating, in accordance with the returns of the emigration commissioner, that 15*l.* a-head is the average expense of emigration to New South Wales. I will, however, suppose that 2,000,000*l.* would cover all possible expenses. This sum could easily be raised at four per cent. on the security of the sales of waste lands, provided there were the guarantee of an act of Parliament that it should all be expended in emigration. There would be ample security for the payment of the interest (which would amount to 80,000*l.* a-year) out of the yearly sales of land; for during the last three years the land fund of New South Wales has exceeded 130,000*l.* a-year; and no one can for a moment doubt that it would greatly increase if emigration were carried on to the extent proposed. In support of this plan I refer hon. Members to last year's report of the emigration commissioner, in which they will find that a similar plan of borrowing 2,000,000*l.* for the purposes of emigration, has been proposed and approved of by a large body of the most intelligent and extensive proprietors in New South Wales. It is necessary that there should be the guarantee of an Act of Parliament, that the whole of the loan should be applied to the purposes of emigration. First, because the perpetual changing of the Colonial Minister (we generally have a new one, unacquainted with his business, every nine months) renders it impossible to place any reliance in promises which his successor is not bound to keep. Secondly, because the land fund, which it was always supposed in this colony, and generally believed in this country, to be intended for emigration, has been appropriated by the Government to other purposes. And the colonists most loudly and, in my opinion, most justly, complain of this act as a most grievous abuse, as a sort of robbery. From the commencement of the sale of lands in 1832, to the end of 1838, 571,000*l.* has been paid into the land fund. Of this sum not above 171,000*l.* have been employed in emigration. Of the remainder, 138,000*l.* may have been expended in the sale, management, &c., of the land. The residue, amounting to 262,000*l.* has been alienated from the purposes originally intended, and applied by the Government to the support of the enormous police and gaol establishments, which transportation has rendered necessary; and which the colonists, with no small show of justice, contend ought to be defrayed by this country. Such was the state of the land fund in the beginning of 1839. Since that period the same system has been pursued; and I am credibly informed that the land fund has been completely exhausted by the drains upon it by the Government. Indeed, in the middle of last year, the noble Lord, the Secretary of State for the Colonies, was obliged to order the discontinuance of emigration to New South Wales. Therefore, unless a loan be raised, emigration to New South Wales must stop, to the most serious injury of that colony, as every person well acquainted with this subject will readily acknowledge. I now thank the House for the patient manner in which it has listened to me. I have been obliged, for fear of wearying the House, to pass over many points of considerable importance. I hope, however, that I have succeeded in proving the following positions. That transportations is a very bad punishment. That it is not susceptible of any improvement. That it ought, therefore, to be abolished. That the best substitute for it is penitentiaries. That the penitentiary system should be less expensive than any of the proposed modifications of transportation. That a large additional outlay of public money would not be required in order to establish penitentiaries, and to bestow upon this country the best system of secondary punishments in the world. And, lastly, for the sake of the moral well-being and economical prosperity of the penal colonies, that systematic emigration should be carried on in the manner I have proposed. I will conclude by moving,

> "That the punishment of transportation should be abolished, and the penitentiary system of punishment be adopted in its stead as soon as practicable;" and "That the funds to be derived from the sales of waste lands in New South Wales and Van Diemen's Land ought to be anticipated by means of loans on that security, for the purpose of promoting extensive emigration to those colonies."

Lord *J. Russell* said, the House would agree with him that they were indebted to the hon. Baronet who had just sat down, not only for the able exposition of his views on this important subject which he had given on this occasion, but also for the attention he had so long paid to the details of the question, and the labour which he had bestowed upon it. He must also add, that while he could not concur with the whole of the views propounded by the hon. Baronet, nor adopt the general conclusion to which he had come, that the hon. Baronet was not the less entitled to praise for the enlightened principles which he had brought to the examination of the subject. But in awarding these attributes to the hon. Baronet, and lamenting as he did, that a question of such importance should not have attracted in a greater degree the attention of the House, for the benches opposite, and, those on that side of the House were nearly empty, he still thought it his duty, without following the hon. Member through all the details of his very able statement, to state to the House the general views which he had been led to adopt on the subject. As regarded that part of the hon. Member's address which related to the immediate practical measures to be adopted, he need not enter much into explanation, having in his minute of last year already stated what he conceived were the particular measures that ought to be adopted in consequence of the report of the transportation committee. The first great point to be considered was, what ought to be the general policy as regarded crime? Seeing the various abstract views, as regarded the punishment of crime that had been on all sides expressed, and looking at the various alterations that had been made both in this and in other countries in criminal jurisprudence, it was the more imperatively necessary to consider that branch of the subject. The first great principle to be borne in mind undoubtedly was, to deter from the commission of the offence; the next in importance was the reformation of the offender. But either of these principles, though true, if well applied, did, if carried to excess, lead to a defeat of the objects which were sought to be attained by them. Many persons, notwithstanding that they had well considered the subject, had, by taking a somewhat enthusiastic view of the subject, with a view to the adoption of one or other of those principles, ensured the defeat of their objects. The first principle, that of deterring from crime, was one, the adoption of which was obviously called for, and in the first attempts at criminal legislation it had been pursued. It was assumed, that in order the better to deter from the commission of crime, the most severe and unrelenting punishments, even to the most cruel exercise of torture, should follow offences; and that, to even the most trifling offences that were injurious to the interests of the community, the extreme punishment of death should apply. Now, certainly, if the rigid adoption of that rule had been, and were proved to be, followed by the suppression of crime—if it could be shown that offences (even the most trifling one of picking a pocket) were prevented by the punishment of death being held out as a consequence, and that crime would thereby be extirpated — however great the severity might be, however it might appear that the policy of the law was cruel, yet it might fairly be argued, whether such extreme punishment was not in principle justifiable and necessary. But the very contrary had been the result. Experience had proved, that when it was attempted to inflict these very severe penalties, which the sense of mankind looked upon as disproportioned to the offences, the effect was, to engage the sympathies of mankind, not against the offence, but in favour of the offender. Thus the very object of legislation was defeated—the acquittal of the prisoner was ensured—and the inefficacy of the law which it was desired to enforce was previously made certain. Extreme severity of punishment, then, was not the principle which he conceived ought to form the basis of criminal jurisprudence. There was another view which was likewise apt to be carried to the extreme, and so also to defeat the object which it sought to attain—that was the desire to adopt such a plan as would lead to the ultimate reformation of the offender. Undoubtedly, if you looked to reformation of the offender only, and more, if you confined your views to the reformation of the individual offender only, that result might be very well secured by the adoption of the course recommended by those who were disposed to push the principle to extremes. For instance, the course by which the disposition of the criminal to crime was most confirmed was, by inflicting degradation upon him and forcing him into the company of others degraded like himself, by which a mark and a stigma was fixed on him, that for ever shut to him those roads to wealth and affluence which was open to others. To obviate this, it was recommended to place the criminal in a different situation. It was suggested, for instance, by the hon. Baronet, on the authority of the Archbishop of Dublin, "Take the person who has committed a crime—give him the means to go to the colonies, (not to penal settlements,)—afford him some sort of capital by way of outfit—give him a free passage, and allow him to make his way to some colony as a free settler, without stain or stigma upon his character." Now, no one would deny, that the individual man would be more likely to become reformed upon this system, than if he were subjected to punishment in a prison, and sent forth to the world with a stigma attached to him. But then the question arose, whether, in pursuing this sole object of reforming the offender, the general object would not be defeated, and whether, by this extreme leniency, you would not be holding out inducements that would lead to the increase of crime. Undoubtedly the most likely way to reform offenders and to prevent them from again committing the offence, was to remove them from temptation, and place them at once in a state of affluence. Many of them having no means of livelihood, were, in the wretchedness of their condition, tempted by the wealth of others, to steal, to break open houses, and to commit other crimes, which they never would have attempted if it had not been for their poverty. If each criminal were to be provided with the means of setting up a shop, and of obtaining a livelihood, undoubtedly the temptation to crime would be decreased, but by thus pushing that principle to the extreme (and many of the measures which had been proposed went to that extent), the law would tell the virtuous and industrious part of the community that there was no difference between them and criminals, so that though the individual offender would be reformed, the temptations to crime would be increased, and in the end severity would have to be again resorted to. He (Lord J. Russell) remembered being once at Liverpool, when some benevolent persons connected with the management of the gaol, lamenting the number of young offenders, remarked upon the advantage that would arise if, instead of sending them over and over again to gaol, they could be apprenticed on board the many merchants ships that thronged the port. He turned to a gentleman present, who was much connected with the shipping of that port, and asked him whether there was not already a greater supply of young men and boys for the shipping at Liverpool than could well be employed. The answer was, that every day applications were made by the sons of most respectable families who were in a state of poverty, who had committed no crime, and on whom there rested no stigma, but to whom it was impossible to give employment. If employment were to be given to the criminals, and the poor, but honest and industrious, were unable to procure any, a great injustice would be committed, and the Legislature would certainly promote the crime which it wished and intended to diminish. It was upon a consideration of this view of the question that he had ventured to make these observations upon the danger of pushing to the extreme any theory for the prevention of crime, convinced, as he was, that if either the one or the other were pushed to too great an extent—if either the punishments were too severe, or too much indulgence was afforded in the hope of effecting reformation, the object would be defeated, and that it was only by a prudent, temperate, and moderate course, considering from time to time the means in the power of the Legislature, not using too much severity on the one hand, and on the other not sacrificing more important considerations in the desire to effect the reformation of the offender—combining such plans with moderation and wisdom, and executing them with vigilance and care, that they could hope to succeed in attaining their object. He thought the hon. Baronet had rather an inclination to go too far in favour of the latter of the two systems, and certainly it appeared to him that the Archbishop of Dublin, whom the hon. Baronet professed to follow, was inclined too much towards a system which was incompatible with the diminution of crime. He thought, he could show that the system so advocated would lead to very great expense, and that in the end it was very doubtful whether crime would be thereby prevented. He now came to the question of transportation. He regarded assignment as nothing less than slavery—as consigning a man who had committed a crime in this country to slavery in a penal colony. In the words of Colonel Arthur, it was to abandon such a man to the mere caprice of a master. There was no equality of punishment under such a system. The convict might be as much favoured as any steward was in this country, by a master who valued his services; or, on the other hand, he might meet with a tyrannical and harsh master, who would subject him to punishment, coercion, and all the miseries of slavery. He need not say that where there was slavery, there also were the evils of slavery. On the one side there was the man existing in a mere state of dependence, actuated by fear, the desire of revenge and every motive that debases human nature. On the other hand, there was the master exposed to motives equally debasing, though of another kind—to excitements and temptations to tyranny, caprice, arrogance, and the indulgence of all the degrading passions. The assignment system ought not, therefore, he thought, to exist any longer. This was not a new opinion with him. On the 15th of April, 1837, in a letter written under his direction by Mr. Phillips, he expressed his opinion that assignment should continue no longer; the evils attending upon it being so serious and so notorious. That was his opinion in 1837, before the transportation committee sat, it was not altered now; and all he had done in connexion with the subject since, had been for the purpose of carrying out that opinion, and of doing away with assignment altogether. Differing as he did from the hon. Baronet on so many other points, he quite agreed with him on this; that the system of assignment was the very worst part of the system of transportation, that it had produced worse consequences, and tended more to degrade the character both of master and slave than all the rest of the evils attendant on the system of transportation. A period would be fixed upon in the course of the present year, after which no fresh assignments could be made. The question, however, on the present occasion related to the practice of transportation — whether the greater part of the persons who were convicted of serious offences, being no longer liable for the most part to capital punishment, should be punished by imprisonment in the Penitentiary at home, or conveyed to distant settlements, and there punished by imprisonment, or by labour in public works; and on being liberated, whether or not, they should be conveyed to colonies near the place of their previous punishment? On this point he had followed the opinions of the transportation committee. The first resolution of the committee recommended that transportation to New South Wales, and to the settled districts of Van Dieman's Land, be discontinued as soon as practicable. There had been, during the last year, a great diminution in the number of persons transported to New South Wales, in consequence of orders that were sent out by the Secretaries of State for the Home and Colonial Departments, orders which were still in force; and an order in council was now in preparation, by which, from the 1st of August, transportation to New South Wales would be discontinued altogether. Nor was it intended to continue transportation to the settled districts of Van Dieman's Land, but to send the convicts to parts not settled—to Tasman's Peninsula and Norfolk Island. Orders had been given, which proceeded upon the spirit of the resolutions of the committee; and the intention was, that persons confined abroad, whether in Van Dieman's Land, Norfolk Island, or Bermuda, should be so confined in places separate from those parts where settlers were fixed. In Bermuda, the inhabitants had long been most anxious that this separation should take place. In Van Dieman's Land, it could easily be carried into effect, owing to the circumstances connected with Tasman's Peninsula; and in Norfolk Island, there existed no difficulty. The question, then, between him and the hon. Baronet was, whether they should act upon this plan, or adopt that of the hon. Baronet, which was quite at variance with the recommendations of the committee, of which he was chairman. [Sir *W. Molesworth:* I did not agree to those recommendations.] Certainly not; but the utmost attention was paid to the subject. There were present during the inquiry, Sir R. Peel, Lord Howick, Sir Charles Grey, Mr. Charles Buller, and others, as well qualified as any Members of that House to consider the question. What was the difference between the plan of the hon. Baronet and that of the committee? The plan proposed by the hon. Baronet was—in the first place, that penitentiaries should be erected in this country, and that they should be erected on the best plan on which penitentiaries could be constructed, namely, on the separate system, with separate cells, in which each convict could be confined separately, thus affording him a prospect, after a certain period of time, of again becoming a member of society. The plan of the Government, adopted with some alterations from the plan of the committee, was, that the number of convicts sent abroad for punishment should in future be diminished, that persons convicted of lighter offences should undergo their punishment at home, that a larger number of the persons convicted of the heavier offences should be sent to the Bermudas, and should be allowed to return home at the expiration of their sentences; but that, nevertheless, a certain number of convicts should still be sent out to certain places in New South Wales and Van Dieman's Land, where they might settle, and where certain temptations could be held out to them to induce them to settle. Referring back to what he had observed at the commencement of his speech, he must remark, that it was necessary, in the first place, that you should inflict punishment sufficiently severe to deter offenders from crime. But transportation, as hitherto conducted, had been deficient in this respect. It was stated over and over again, in the despatches of Sir G. Arthur, and also in the pamphlets of Mr. Potter M'Queen, who had become an extensive settler in New South Wales, that when a convict went out, no matter what was the offence of which he was guilty, if he possessed skill and talent, he became, almost immediately on landing, a confidential servant or clerk, his crime disappeared, and nothing but his skill and talent, and the use to which they could be converted, were considered. Now, this was not as it ought to be, and her Majesty's Government now proposed to adopt a plan of confining all convicts for a certain period in penitentiaries, or of consigning them for the same period to hard labour on public works—in other words, that every convict, whoever he was, should undergo a stated portion of hard labour. This would be the case with all convicts, no matter what their skill, their talent, or their previous respectability. When such individuals fell under the sentence of the law, they always attracted greater sympathy in England than those who were ignorant and uneducated. From his own experience in the Home-office, he had learned that there was always a greater interest excited about an educated individual, in a respectable sphere of life, who had committed crime than about an individual of less intelligence and in a lower sphere, from whom, perhaps, nothing better could be expected than what had happened to him. Now, if crime were to be punished at all, men who had been well educated and respectably brought up, when they became criminals, were the very persons to be most severely punished, for they took advantage first of their skill and talent, and next of their character and respectability, to commit crime. This made them the most fit objects for punishment; and it was not right, that for such persons all the rewards should be reserved, and for the ignorant and uneducated all the severity. He, therefore, proposed that with respect to all offenders a certain proportion of severe punishment should be at all events inflicted. But after that punishment was suffered, we ought to consider the situation in which the criminal was left. You should temper your punishment with mercy, carrying neither principle to excess, but keeping both of them in view. All persons who had stood at the bar of a court of justice, and there received sentence from a judge, should receive a certain amount of punishment; but that having been inflicted, you ought to consider how you can save the offender from a recurrence of guilt. It is your duty, if you can, without parting with any of the securities of society, to give the convict an opportunity of reforming himself, and of attending to those religious and moral obligations of which in his previous life he had been forgetful. If you discharge him on the completion of his sentence from a penitentiary in England, he goes into a society which is already full of persons seeking for employment, and which is so full of them that even those who bear a good character, and have no stain upon them, cannot always obtain employment for their labour. If you pour into this society a number of men with the stain of three or four years' imprisonment upon their characters—if you place them in the midst of the same temptations which originally led them to crime, there is a great probability that they will again either be driven to a course of crime by the want of honest employment, or be subjected to their former temptations without any additional means of resisting them. Now, this was a state of things which a wise Government should endeavour to alter. He, therefore, wished to call the consideration of the House to the present state of our colonies in Australia. In those colonies, there was always a great demand for labour. The colonists were perpetually saying to the authorities at home—"If you send us 12,000 convicts a-year, you will not fill up the void of labour among us." If, then, they could persuade the discharged convict to locate himself in a remote part of the colony, either as a builder or as an agricultural labourer or as an attendant on sheep, he would be able to procure an ample reward for his labour, and to secure a good and honest maintenance for himself. He said, then, that if after removing the convict from his country, and from his guilty companions and relations, they left him in a situation in which, by his industry, he could get an ample reward for his labour, there was reason to believe that he would not again fall into crime, but that he would be recovered from his vicious way of life. He thought, then, that whilst there was reason for not abolishing entirely the plan of imprisoning convicts in distant colonies, whilst there was reason for saying that you will not form your colonies entirely of those who have suffered the penal sentence of the law, whilst there was reason for not assigning the convict as a slave to a capricious or tyrannical master, he thought, he said, that there was also reason for saying that it was one of the arms of criminal law, and that it was one of the means of effecting the reformation of criminals, to send to your penal colonies persons who had been sentenced by a judge. The report of the committee went on to say, in the words of their fourth resolution,

> "That rules should be established by which the existing practice of abridging the periods of punishment of convicts, in consequence of their good behaviour, may be brought under stricter regulation, and rendered less vague and arbitrary."

Now, that resolution referred to a plan which had been adopted in the colony with respect to the funds transmitted to the convicts by their friends in this country, and to the indulgences extended to them from time to time in consequence of their conduct. But the hon. Baronet had scarcely treated that part of the question fairly, when he referred to various instances of abuse which had occurred, in order to show that the system adopted was altogether vicious. For when you said that these criminals were sentenced to a certain punishment, and that there had since been a relaxation of their punishment, it no more followed that the system of mitigating punishment in New South Wales and in Van Diemen's Land was defective, because abuses had occurred under it, than that the administration of justice in England, Scotland, and Ireland was defective, because abuses had occasionally taken place in it in each of those three countries. The system of imprisonment pursued in this country twenty or thirty years ago was disgraceful to any country which called itself civilized; and yet, that no more formed a decisive argument against imprisonment altogether than these abuses under our late system of transportation, formed a decisive argument against the propriety of transportation. But the hon. Baronet had laid considerable stress on the system adopted at Norfolk Island some time ago. No doubt that system was one of great severity, which had led many of those who had been exposed to it to wish for death as a happy exchange for their sufferings. But that system had been changed, and changed for one which gave too great an advantage to the criminal. He would read one passage to the House, which was just the reverse of that which had been read to it by the hon. Baronet. It was as follows:—

> "Those who are employed in agriculture, in the charge of stock, and in cutting and sawing timber in the bush, may be seen every evening returning to their barracks laden with the fruits with which the island abounds. That its terrors do not operate to prevent crime, may be inferred from the fact that many of the prisoners are here for the second and third times; and it has been confessed by several of them, that after having returned to the colony from a first conviction, they have actually committed crimes to get back again."

[Sir *W. Molesworth*: Where is that passage to be found?] In the report of Mr. Arnold, deputy assistant commissary-general, given in one of the appendices to the report of the transportation committee. Another evil complained of by the hon. Baronet was the inequality of the sexes in our penal settlements. Undoubtedly it was a very serious evil, and had been productive of dreadful crimes. He did not know how, except by separate confinement, you could get rid of this dreadful evil. The same inequality of sexes prevailed in the number of prisoners in this country, and if he were to enter into a description of the details which had come to him from some of the prisons of this country, he should have to mention circumstances which would make them shudder for the depravity of human nature. There was one subject on which he agreed with the hon. Baronet, that great neglect had too long prevailed on the part of the various administrations which had had the government of this country—that subject was, the religious instruction provided for the inhabitants of our penal colonies. It appeared from a statement of the Bishop of Australia, that from the year 1788 to the year 1808, there had only been two ministers of religion sent out from this country with the convicts to Australia. It certainly did appear to him that the best chance of producing an impression upon the convicts during their imprisonment, and of making them less liable to return to a life of crime, after their discharge from the execution of their sentence, was by taking care that they received proper religious instruction. There had been great neglect of that mode of producing reformation, but at present the case was altered for the better. Both in this country, and in South Australia, the Secretary of State for the Home Department had taken care that this neglect should exist no longer. On the whole, then, he must say, that he rather concurred with the report of the committee of which the hon. Baronet was the able chairman, than with the proposal which the hon. Baronet had that evening made. He thought that the proposal of the committee contemplated a great alteration in the mode in which transportation was to be effected in future, although it did not go the length of recommending its total abolition at once. He thought that, without saying that it might be advantageous to abolish transportation altogether, the system which it would be most advisable to adopt was a great diminution of the present system, by taking care that those who received sentence from our criminal courts, should undergo, in all cases, a certain degree of punishment, and by giving them at the same time a prospect and means of employment when their sentence was performed. The plan proposed by the hon. Baronet, beginning as it did with an expenditure of nearly 2,000,000*l.*, and that for buildings only, and leaving a still greater expense to be incurred for the maintenance of the prisoners to be confined in the penitentiaries he proposed to build—the plan proposed by the hon. Baronet would leave us exposed to the danger of having all these convicted criminals sent back to us, and to all the dangers and demoralization which had been suffered for so many years in France, by throwing back upon society the villains who had served out their time in the gallies. For his own part, he did not think it advisable to incur so large an expenditure for so uncertain a consummation. The hon. Baronet also thought it advisable, that by means of a loan, free settlers should be encouraged to emigrate to Australia. He would not enter into that question at present; but he had long entertained an opinion, that the best mode of reforming society in Australia was, by giving great facility to the emigration of free settlers to it from this country. For it was a very different question, whether our colonies shall be solely recruited by convicts, always the objects of severe police regulation, and therefore forming a foul political atmosphere, or whether those convicts should form but a small portion of the colonial population. He thought that it was only fair to the colonies, that their population should be recruited from other sources. The hon. Baronet had said, that there was a growing disinclination on the part of our emigrating population to emigrate to New South Wales. Now, he was of a contrary opinion. He thought that there was a growing disposition among our population to emigrate, and to emigrate to New South Wales rather than to any other of our colonies. The hon. Baronet had stated, that a most rev. Prelate, the Archbishop of Dublin, had done much to dissuade the people of Ireland from emigrating to New South Wales. He should be sorry if that were the case. He confessed that he thought that that most rev. Prelate carried his ideas on that subject much too far. He thought that the most rev. Prelate had depicted the society of that colony in colours far worse than the reality, and he expected that the effects of the most rev. Prelate's representations would neither be so great, nor so general as the hon. Baronet supposed. He had no doubt that the people of Ireland would see the advantage of emigrating to a country where labour was dear, and subsistence cheap, and that his grace would find that his exhortations to prevent them from emigrating, would not produce the same effect upon them as had been produced by the exhortations of Father Mathew, to to adopt a system of temperance and sobriety. Upon the whole, in his opinion, the House ought, at all events, to pause before it agreed to abstract resolutions, especially when, according to the hon. Baronet, it would be necessary to expend 2,000,000*l.* for prisons, and to raise a loan of 2,000,000*l.* more for emigration, and not only to introduce a change in our criminal system, but lay a burthen upon our finances. Not wishing to negative the resolutions, he should beg to move the previous question.

Viscount *Mahon* said, in questions of this nature the Government had sometimes successfully pleaded, that while one class of adversaries reproached them with not going far enough, another class was quite as ready to inveigh against them for going too far. He did not admit the validity of this mode of defence, but if there was any satisfaction in it, he should afford it to the Government on the present occasion. The hon. Baronet had represented the conduct of the Government as blameable or defective, in not following up the recommendations of the transportation committee. He, on the contrary, had read with very great regret, that the noble Lord, the Secretary for the Colonies, had to a limited extent adopted the views of the committee; he had read, with great regret, two minutes, one by the noble Lord, and the other by the noble Lord, the Member for Northumberland, by which it appeared that the Government had determined upon a change of the punishment of transportation for seven years, to imprisonment in the hulks. Lord Howick, then Secretary at War, in his note dated November 23, 1838, thus begins:—

> "I assume that the object in view is gradually to substitute the punishment of well-regulated imprisonment at home or abroad for that of transportation as now conducted."

In the subsequent note of January 2, 1839, the then Home Secretary (Lord John Russell) follows this up by declaring the preparatory steps to this great and momentous change; and first, that

> "convicts sentenced to seven years' transportation be, so far as practicable, employed in the hulks and dockyards at home and at Bermuda;"

A resolution to which he admits that he has not come without "much diffidence and hesitation."

He (Lord Mahon) believed, on the contrary, that transportation, though attended with some evils, was fraught with manifold benefits far outweighing the evils. He believed that, as a system, transportation was a better mode of punishment than any other system that could be devised in place of it—better for all parties concerned, better for the parent country, better for the penal colony, and better for the improvement of the convicts themselves. On each of these grounds he should be prepared to take his stand and to uphold the system which the hon. Baronet sought to trample down. But while he opposed the opinions of the noble Lord, he did justice to his motives, which could be only praiseworthy and pure, for he only sought to diminish crime, and to reform the criminal. At the same time he thought the noble Lord acted upon imperfect information, and erroneous views. At what moment was it that the noble Lord sought to discontinue the practice of transportation? At the very time when the system attracted the envy and imitation of the surrounding states. Was the noble Lord aware of the fact, that in France petitions had been presented for the establishment of penal colonies similar to those of England, and that it was in the contemplation of the French Government to establish penal colonies in New Zealand? It cannot be denied that the French convict establishments at Brest and Toulon comprised all the evils which a penal establishment could combine. Not only those towns, but the departments in which they are placed, Finisterre and Var, were exposed in consequence to almost every rigour of military law, merely that the escape of the galley slaves might be effectually prevented. Every writer who treated of the state of crime in France deeply deplored the evils inflicted upon that country by pouring out upon it at regular intervals a great number of convicts, mostly unreformed, from those two penal establishments. The noble Lord had admitted the enormous expense which the country would incur by any other system of penal discipline. Taking an average of five years, according to the penitentiary system, the cost would be not less than 96*l.* per man, instead of 17*l.* paid for transportation; and this disproportion was probably underrated; for in the colonies we had the profitable labour of the convict, whereas here his work was of less value, and given him merely to find him employment. The noble Lord had painted the evils of a redundant population, and the difficulty of finding employment, in strong but not unfaithful colours. He (Lord Mahon) believed that he might even have gone further. It was no exaggeration to say that almost every profession, every department, every walk in life, was overstocked with candidates, that the intellectual supply was greater than the intellectual demand, and that the same amount of talent which some fifty years ago was sufficient to obtain distinction, was now barely sufficient to acquire bread. Thus, then, if even we could insure that every single convict discharged from the hulks should be reformed and restored to habits of industry, it would be difficult to find him employment. But it was not to be expected that any considerable number of convicts could be reformed; and it was most likely, when discharged, that they would return to the haunts of their former associates, and to their habits of plunder. Would it be denied therefore that the parent country derived great advantage from the transportation system? It could not be denied. There was only one ground upon which the noble Lord could lay much stress as an argument against the system of transportation, as applying to the parent country, and that was that it was not sufficient to deter from the commission of crime. This argument applied to an earlier period of the transportation system more than to the present. He believed the accounts from Norfolk Island and other quarters had tended, in no small degree, to increase the terror of transportation, and to add, not only to the punishment, but to the prevention of crime. Of this he could state to the House several instances. There was one, for example, that had come to his knowledge, having been communicated by an hon. Friend who was largely connected with the county of Somerset, but represented the University of Oxford, which he would mention to the House. A petition had been, within these last few days, presented to the Marquess of Normanby from the relations and friends of a person under sentence of transportation, praying for a mitigation of that sentence, and declaring that he was anxious and ready to endure any number of years' imprisonment at home instead of transportation abroad. But it had been said that we had no right, for our purposes at home, to pour into our colonies torrents of vice and wickedness, and to contaminate them for our own advantage. The hon. Baronet in his speech, and in the report of the transportation committee, had drawn a frightful picture of the evils which the transportation system inflicted upon the respectable settlers in the colony; of the crimes that were committed in the families of respectable settlers in the interior, whose lives were exposed to danger, and their property to plunder. He would ask whether, if the respectable settlers were so exposed, they would not be the first to cry out against the system? Who would be the sufferers, if they are not? and what must be the inference of the House as to the reality of the complaints against the system, if we find the alleged sufferers themselves most eager and anxious that the system might still be maintained amongst them? Now he would, on this point, call the attention of the House to a report of the proceedings at a meeting of the Legislative Council at Sydney on the 10th of July, 1838, with reference to this subject, which stated the opinions of practical and eminent men, entitled to the greatest respect. Sir James Jamison said,

> "It would be a great hardship if the colony should be thrown back by transportation being stopped, and if the experience of fifty years should be lost."

The Chief Justice said,

> "As a great moral and political question, it must be met on broad and general grounds, and not with a microscopic discrimination of its defects. This colony has now been established fifty years. Has it, or has it not, as a broad and general question, failed as a systematic experiment for the reformation of those human beings who had forfeited the rights of society? Will it or can it be denied, that thousands of profligate criminals have been converted into useful and meritorious citizens by transportation to our shores—men who, but for the adoption of such a system, must have been cut off from society in the spirit of vindictive justice, or have remained at home to form a moral cancer in the bosom of their native land? That the machinery of the system has been defective no man can deny. Looking, however, to general results, looking to the system with all its shades and defects, the advantages proposed by the parent state in constituting this in place of secondary punishment must have been miraculously fortunate."

The Chief Justice was followed by the Lord Bishop, who observed, that in his opinion,

> "The representations that have been made respecting the colony are altogether on one side. He recollected, when in England, seeing a figure in which all the rules of perspective and proportion had been disregarded, but which, when he looked upon it through a particular kind of glass was restored to proper harmony. Now, it seemed to him, that the inquiry into the state of this colony had been conducted on similar principles, but that a

glass, the reverse of the one he had been describing, one which distorted everything, had been used. It will not satisfy the people of England to show them that we want the convicts, but we must show them that we are in a condition to reform the convicts, and to make the punishment of transportation an object of dread. Truth is the first object. The real refutation of the aspersions against us is to be found in the actions of the colonists. From the nature of his employment he was enabled to form an opinion of the character of the inhabitants of this colony better than, or at any rate as well as, any Gentleman in the Council, and he had no hesitation in saying, that he knew no district in this colony in which he could not find a number of men of as correct a principle and high honour as he had found in any country in which it had been his lot to be, and that, too, in sufficient numbers to give a general feature to the colony."

The Attorney-General, who spoke next, expressed his entire concurrence in the remarks of the bishop, and added, on the part of the Administrative authorities, that,

"Government will do all that can be done; churches and chapels are building in all directions, and clergymen of all denominations are daily coming out to assist in the moral reformation of the convicts."

It was not denied that labour was of most essential value in Australia. By the last accounts, that very morning, it appeared that great injury had been suffered from want of labourers, that flocks had remained untended, and harvests unreaped, that, in short, difficulties of a serious kind had been experienced from want of labour. It had been said that free emigration might supply the want of labour created by the absence of convicts. He did not undervalue the advantage of such emigration; but he did not admit, with the hon. Baronet, that the two were incompatible, and he would quote the evidence of one of the hon. Baronet's own witnesses, an unwilling witness, Mr. J. M'Arthur. In the evidence before the committee on transportation, in 1838, Mr. J. M'Arthur was asked (question 290):—"Do you think the application of those colonies to penal purposes prevents respectable free emigration?" and he answered, "I think that it cannot but have that effect;" but at the same time he was obliged to add, "I do not know any particular instance of that kind:" his experience being therefore on one side, and only his theory on the other. But in another part of his evidence (question 59), he gives a still more distinct testimony to the fact, though against his own opinion. He said,

"I was requested by a clergyman in the Vale of Stroud to see some of the families who were going out as emigrants, and to give them information generally as to the nature of the country they were going to. They asked me a variety of questions, but none exactly of the kind that I expected; that is, they seemed to be perfectly satisfied in their own minds as to the nature of the country. I was so struck by their making no inquiry on that head, that I asked their reason for not doing so, and they said they were perfectly satisfied it was a good country, from letters which they had seen from convicts in the colony speaking very highly of it, and that, of course, if the colony was good for them as convicts, it must be still better for emigrants; that was the impression upon their minds."

If the abuses in the assignment system continued, he could understand that free emigration might be checked; but if the convicts were employed in rough work in the colony, this would enable the free emigrants in the colony to turn their attention to lighter labour. The convicts were the pioneers that cleared the way for the free emigrants. Though he admitted that abuses had taken place, which he was by no means disposed to palliate, yet he could not consent to do away with the system altogether. Great stress had been laid on the inequality with which the assignment of the convicts operated. The defect of inequality, however, it should be remembered, was one that must attach to every system of human punishment. It was impossible to prevent punishment from pressing unequally. Pecuniary penalties pressed unequally on the different classes of society; imprisonment would be a punishment more or less severe to different men; even the punishment of death itself would be more or less heavy according to the temperament and disposition of the individual. He could not recognize in any substitute that could be provided for transportation, the means by which this inequality could be avoided. He believed that a system of transportation not clogged with those abuses which had hitherto deformed it, but combined with moral and religious instruction, and a strict discipline, might produce great benefit both to the mother country and the colony; but he would not, even for that consideration, be induced to consent to it, if he did not think it might also be made the means of improving and reforming the convict himself. The disgrace which was indelibly attached to imprisonment in this country debarred the convict, when released at the expiration of his term of punishment, from having recourse to honest industry to gain a livelihood. He was afraid that there were too many instances of convicts discharged from prison, being driven in despair to their former vicious courses from inability to obtain employment. He would refer, in confirmation of this view, to the report of the Inspectors of Prisons for 1839, in which instances were detailed of efforts having been made unsuccessfully by discharged convicts to obtain honest employment.

> " Nothing," they said, " is more opposed to the reformation of a prisoner and to his entering upon an honest and useful course of life, than the difficulty which he finds in obtaining employment on his liberation from prison. Many a sincere resolution of amendment has been overcome by the pressure of necessity."

So strongly is this hardship felt, that a benevolent association had been formed

> " For assisting destitute and deserving prisoners to obtain an honest livelihood on their discharge from the General Penitentiary at Milbank ;"

But it was evident that the operations of any such society must be extremely limited, and must serve rather to attest the evil than to betoken the remedy. The committee of the society stated in their prospectus—

> " When the prisoner, repentant and reformed, detesting his former ways, and resolved on an amended life, goes forth into the world, at the termination of his sentence, it often happens that his situation, however enlivened by the first gleam of liberty, is surrounded with difficulties and perils. Destitute of any character, except what he may obtain from a prison (a source which creates suspicion instead of confidence), a stranger in society, pressed by want, and attracted by the well-known facilities for a dishonest livelihood, what is to be expected from him but a return to fraud and plunder, unless means be provided for his rescue ? Facts have frequently come to the knowledge of the committee showing the struggles which are sometimes made by reformed convicts to live by honest means."

Comparing the condition of a discharged convict in this country to that of the convict in New South Wales, it was impossible not to see that in the colony where the hand of help was not withheld, he had a far better chance of gaining an honest sustenance and retrieving his character, than in England, where he was surrounded by temptations of every kind. There were many instances in Australia, of convicts, so thoroughly reformed, and so usefully active in their subsequent career, as to have risen to a station, not only of comfort but of wealth. It might be urged, that this fact was inconsistent with another part of his argument; namely, that a salutary dread of transportation prevailed in England. But he did not think so, for it must be obvious, even to the least reflecting minds, that those brilliant prospects depended, not on any return to a course of rapine, but, on the contrary, on a moral reformation, and on a long continued course of industry. On these grounds he conceived that the system of transportation ought not to be hastily or lightly abandoned. He felt this the more strongly, that he had an intimate conviction that the general adoption of imprisonment would infinitely increase the sufferings of the convict, without inspiring any commensurate dread of punishment in the public mind, and without effecting any commensurate diminution in the number of criminals, but, on the contrary, producing all those evils which might be expected to arise from letting loose on society at periodical seasons some of the worst and most dangerous offenders. The noble Lord was pressed to abandon the system of transportation ; but he must express his regret that the noble Lord had been induced to go even so far as he had gone. He was convinced that if the noble Lord persevered, the success of his measures would not be proportioned to the goodness of his motives. Let the House remember that these penal colonies were first founded, and long fostered, by the administation of Mr. Pitt: and let them beware how they lightly fling away any part of the heritage that great man had bequeathed to us. Under the existing system, the Australian colonies had for many years thriven, and extended to a degree which he would venture to say was altogether unparalleled. He trusted he should not be charged with wishing to perpetuate any of the abuses existing which were not essential to the system, but mere excrescences upon it. He desired not to see its foundation destroyed, but rather that we should continue to build upon it, bringing to its improvement the lessons of later experience and the zeal of extended religion.

Mr. *Ward* said, when the noble Lord, who had just set down affirmed that no complaint had been received from the free community of New South Wales against the introduction of convicted criminals into the colony, he (Mr. Ward) must remark that the noble Lord was only bearing testimony to one of the vices of the system, which, giving to one man an irresponsible power over another, tended to deaden the feelings of the human heart to the sufferings of its fellows. He must observe, too, that well entitled to respect as were the authorities from whose testimony the noble Lord had made quotations in support of his view of the advantages of the present system of transportation, there were still other authorities, not less entitled to respect, whose opinions were directly the reverse. Among these was Dr. Laing, who described the penal settlement in New South Wales as the "gaol and dunghill of England." Mr. Mudie also described the sense which almost every one in the colony entertained, that the system was radically wrong, and that it was wholly incompatible with free emigration. When the injurious effect of the contact of criminals upon the vast population of this country was spoken of—when the baneful results to society of an association with felons was alluded to as an argument in favour of transportation—let it be remembered how infinitely more injurious, how infinitely more baneful, the contact and the association must be in a country where the population was more limited where in fact it did not exceed 10,000 souls. In point of fact, there was not, in New South Wales a sufficient infusion of that which was good and virtuous to give a tone to society. These sentiments were most strongly expressed in a petition which had been presented in the course of the present Session,by the Under-Secretary for the Colonial Department,and which was signed by six members of the legislative council, 67 justices of the peace, four clergymen, and 355 landed proprietors. As long as this country continued to pour into a community,so strangely constituted as that of New South Wales was, so large a proportion of that which was vicious and immoral, so long would it be necessary to continue in that settlement our overgrown and most expensive establishment of troops, a large and expensive judicial establishment, and a not less large—not less expensive—establishment of police; these being the only means by which anything like order, security, or peace could be maintained. As to the assignment system, much as it abounded in evil, he believed it to be inseparable from the system of transportation. At all events, if the noble Lord (Lord John Russell) intended to put an end to the assignment system, it would be absolutely indispensable that he should provide some immediate substitute, that should give to the free colonists the means of procuring labourers, otherwise the whole trade, and the whole agriculture of the colony would at once go to ruin. Even now complaints were daily coming over to this country of the inadequacy of the supply of labour. It appeared that in those colonies the competition for labour was absolutely frightful, and that wages were higher than the profits of any trade could cover. It unfortunately happened that at the very moment, and in the very year that the noble Lord told them that the assignment system was to cease, it was declared that the exchequer of the Colonial Office was so extremely reduced, as to leave it without one single shilling to expend for the purposes of emigration. On this account colonization at present was almost exclusively confined to South Australia, to which colony the means of emigration depended, not upon the wealth or poverty of the Colonial Office, but were fixed and determined by Act of Parliament. Last year, the noble Lord spoke of the great increase of emigration. What had become of it now? What had become of the fund that was to enable the Colonial Office to send out 10,000 emigrants? The whole of that fund had been diverted from its legitimate purpose, and applied to other purposes — to defraying the expenses of gaols and of police forces. For these purposes, no less a sum than 103,000*l.* had been expended—a sum which, applied to emigration, would have been sufficient to carry to New South Wales, 7,000 or 8,000 labourers. Thus would have been prevented that terrible dearth of labour which was most complained of, and which, unless some active steps were immediately taken, would again paralyse the whole of the industry of the colonists. If his hon. Friend (Sir W. Molesworth) chose to press this question to a vote, he would give his hon. Friend his most cordial support. He thought that his hon. Friend had already performed a very great service in arranging all the facts relating to the subject, and placing them in so clear and bright a light before the public. They would not fail of producing their effect; and, he believed, whatever the result of the decision of that night might be, a death-blow had been struck at this system, and that it would be the commencement of a new and better epoch, both to ourselves and to our colonies.

Mr. *C. Buller* wished to make a few observations upon the present question, because he had been instrusted with a petition from many proprietors of land in New South Wales against the motion of his hon. Friend. The petition was entirely in favour of the continuance of the system of assignment, and he must say, that it did seem to him that the system of assignment was the only rational way of keeping up the system of transportation. He thought that his hon. Friend, the Member for Leeds, was inclined to take two sweeping a view of the evils attendant upon transportation. No one could deny that it kept up a supply of contamination; but he thought that his hon. Friend did not sufficiently attend to the fact, that this very circumstance caused a kind of reaction among the free population, and created a more than ordinary degree of horror in their minds at the vice which they witnessed. The operation of the one must, therefore, be set against the operation of the other. While upon this part of the subject, he must remark, that the remonstrances made against the sweeping charges of immorality brought against New South Wales, did not proceed from persons only who were interested in the continuance of the transportation system. The mind of Sir R. Bourke, of Sir G. Gipps, or of Sir John Franklin, could not have been warped by considerations of this nature. As to the question, however, which was practically before the House, he must confess, that he concurred with his hon. Friend, the Member for Leeds. In fact, there was no longer a question for argument. The Government had already abolished that part of the system of transportation which was of any value to the colony. But, whatever the merits of the transportation system might be, it was clear that there was a certain point in the condition of a colony, when it was no longer practicable to make it a penal colony, and it seemed to him that the colony of New South Wales had arrived at that point. The great object to be kept in view was to promote free emigration. Although the colony had at first owed everything to convict labour, yet the time had now come, and indeed had arrived for the last five or ten years, when the supply of convict labour was inadequate for the purposes of the colony, and the colony relied on free labour. There were but 3,000 convicts transported in each year, while the number of free emigrants amounted to 10,000 for the last two years, so that in fact, New South Wales must look to free emigration for its supply of labour, and even this supply was not sufficient. All kinds of schemes were devised in order to supply the deficiency which was felt, and he saw in one paper, that it been proposed to import Hill Coolies from India, while another had suggested the introduction of Chinese labourers into the colony. The fact was, that the circumstance of New South Wales being a penal colony, shocked respectable persons who were going out, and the colonists must, in order to obtain an adequate supply of labour, give up convict labour, and have recourse to free emigration. He now came to another point, which he considered a serious argument in favour of the abolition of transportation. He had presented a petition from New South Wales, praying for free institutions and a representative government. The time had arrived, then, when it would be necessary to give free institutions to these colonies, in which the people might have some voice in the management of their own affairs. Now, if they formed the same idea in New South Wales as was entertained in England with respect to misgovernment, there never was a people who more required a reform in their government than the people of that colony, for no people were so heavily taxed as the inhabitants of New South Wales. In order to render these colonies of New South Wales and Van Dieman's Land even tolerable to free settlers, under the present system of transportation, it was absolutely necessary to invest the governor with the powers of a despot, the exercise of which would never be endured in this country. It was useless, therefore, for the colonists to hope for free institutions until they gave up the slave system of transportation. He knew, from those who made communications to him from those colonies, that great anxiety was felt by them as to their obtaining free institutions; and he believed that if they came to choose between the two, no institutions, or the abandonment of the system of transportation altogether, the choice would be to give up the latter. This choice must also be made by the Legislature, for the time had come when they must give these colonies free institutions. They ought, therefore, at once to make up their minds to look this question of abolishing transportation boldly in the face. The House was certainly indebted to the noble Lord for the very enlightened and candid spirit in which he had met this question. But at the same time he could not concur with the noble Lord in the limited extent to which he had confined his views on this question. If the noble Lord agreed to give up the assignment system he must give up more. The assignment system was not the most important point to which the colonists looked. It was one mode of modifying the punishment of transportation, but if the noble Lord consented to give that system up, he could not conceive upon what ground the noble Lord preferred building gaols in Norfolk Island instead of in England. When the noble Lord said that he would abolish the assignment system, there was one thing more which he ought to have done, and that was, he should have taken care that there should be a supply of emigrants for the colonies. The Government had, by a long course of gradually enlarging spoliations, robbed the treasury of New South Wales of every farthing that was made applicable to the importation of emigrants. If ever there was an assurance given by a Government, it was that the fund to be raised from the sale of lands should be applied to the purposes of emigration. The most remarkable exposition of the views of the Government on this subject was contained in a despatch of Lord Goderich to Sir Richard Bourke in September, 1831, then governor of New South Wales. In that despatch it was distinctly stated that the revenue arising from the sale of lands in the colony should not be considered as forming part of the ordinary revenue of the State, but that it should be invested so as to produce a profitable return. It would seem that this assurance was given merely to induce persons to emigrate, and embark their property in the colony, in order that they might be trampled upon with a recklessness quite unexampled. The Government had for the last year or two taken the whole emigration fund, in order to pay all sorts of expenses connected with the government of the colony; and this, after having taxed the people of New South Wales to double the amount the people of England were taxed. From January, 1831, to the present year, the sum raised from the sale of lands amounted to 800,000*l.*; and out of this no less than 370,000*l.* had been applied to purposes quite foreign to those to which the Government had originally consecrated it. This was a violation of an express determination of the Government, which at any time would merit great reprobation; but when it was considered that this had been done at the very moment they had withdrawn the supply of convict labour, it must be admitted that the Government had with singular ingenuity combined their measures with a view apparently to do the utmost harm and injustice to the colony.

Mr. *Hawes* thought the House was much indebted to the hon. Baronet, the Member for Leeds, for the manner in which he had brought the question before it. There was a collateral subject connected with the one immediately before the House, which he thought deserving of the attention of the Government. He meant the large convict establishments at the hulks, which were out of the control of the Inspectors of Prisons, and presented an anomaly in the general system of discipline which prevailed in the prison establishments of the country. He would suggest to the noble Lord (J. Russell) the propriety of having some large buildings erected in the neighbourhood of the hulks, where more accommodation, and a better system of discipline could be provided for the convicts.

Mr. *Vernon Smith* considered, that the House was very much indebted to the hon. Baronet, the Member for Leeds, (although he was opposed to the hon. Baronet's views), for having brought this subject forward. The immense importance of the subject might tempt him to enter fully upon it, but it was his intention to confine himself to a few points that had been adverted to in the course of the debate. The noble Lord opposite (Lord Mahon) was the only person who appeared to advocate the existing system of transportation, but he thought that the noble Lord had spoken of the improved system, and not of the old system, to which all the other speakers had alluded. The noble Lord had stated that there was great prosperity amongst the emancipated convicts, and that the population generally did not object to having the emancipated convicts living amongst them, and that they would rather have them than have to pay for free labour. The noble Lord had also contended for sending out emigrants, as they tended to produce a better class of men than were produced from the prisoners of this country or of France. The most prominent case of prosperity of a convict was stated in page 18 of the report, but it gave no favourable impression of the morality of the colony which could give rise to it. It appeared that one individual, who was an emancipist, was said to be in the possession of 40,000*l.* a-year. But the mode in which he became possessed of this, said little for the morality of the country. It was said that, at the period of his emancipation, there was no regular market at Sydney, and the farmers brought their produce and sold it to him, and spent their money drinking at his house for days, and became quite unconscious of what money they had spent, and generally found themselves charged with large amounts, and more than they could pay. Credit was always given to them on condition of their signing a warrant of attorney, which instruments he had always ready drawn up. The farmers, then, when once under the control of this individual, were obliged to attend at his house, till the amount of their debts far exceeded the amount of their property, and he then dispossessed them of their farms, till at last he became the owner of the greater portion of the cultivated lands of New South Wales. The hon. Member for Sheffield had introduced into this debate the question of emigration as connected with transportation. That question was about to be discussed by itself. It was a very fit question for discussion; he did not at all deprecate the discussion of it, but he should be sorry to see a question involving so many other great principles discussed in a cursory and desultory manner. The hon. Member had spoken of the suspension of emigration to New South Wales. That that would be an evil no man could doubt. At the same time he thought the hon. Gentleman was not justified in anticipating as certain such suspension. It was true no account had yet arrived of the amount of the land fund, but he was not aware what ground the hon. Gentleman had for saying that there were no funds applicable for the purpose of promoting emigration. A great many ships were now going out upon that very plan. Both the hon. Member for Sheffield and the hon. Member for Liskeard had dealt out some very hard words as to the mis-application of the land fund. The latter hon. Member had even spoken of spoliation and robbery, and had used other hard epithets about the appropriation of that fund; and had referred to a dispatch by Lord Goderich, in which he said the Government had given a pledge that they would devote the whole land fund to the purpose of emigration. If the hon. Gentleman had read the next sentence in the despatch, he would have seen, that it referred to the increasing of female emigrants. Now, the land fund at that period amounted to 6,594*l.* 12*s.* 4½*d.*, whereas last year it amounted to 130,000*l.* Could the hon. Gentleman, for a moment, suppose that any government could pledge itself to appropriate the whole of that sum for promoting female emigration? He did not, therefore, think, that the Government could be justly charged with a violation of a pledge in reference to the application of that fund. Some hon. Gentlemen seem to have argued this question as if advocating the part of the colonies, and some as regarding more especially the mother state, but they did not appear to him to have considered sufficiently the interests of both united.

Mr. *Hutt* considered, that in 1836, and even so recently as last year, a distinct pledge had been given by the Government that all the funds arising from the sale of land should be applied for the purposes of emigration. But since that time the Colonial-office had extracted from the emigration fund not less than 300,000*l.*, and applied it to many other purposes. In the course of last year they had built prisons, paid the police, and given an outfit and built a house for Captain Hobson, the recently appointed governor of New Zealand. Could it, then, be matter of astonishment that a great degree of disappointment and acerbity had been expressed by Gentlemen in that House, considering the strong feelings that were entertained upon this subject out of doors? The Government had no more right to apply this money in keeping up establishments in New South Wales, than they had to build with it a new palace in St. James's Park, or to give a new pension to Mr. Spring Rice.

Mr. *Labouchere* had no intention to take any part in this debate, and he now only did so in consequence of the allusion which had been made to what he had said last year. The hon. Gentleman had stated that the conduct of the Government had been inconsistent with the pledge given when he had the honour of representing the Colonial-office in that House, with respect to the application of the funds derived from the sale of lands in Australia. He begged to remind the hon. Gentleman what were the opinions he then expressed on the part of the Government upon that subject. He did not say—on the contrary, he carefully guarded himself from saying—that under all circumstances and contingencies, the entire proceeds of this fund should be applied to the purposes of emigration. He stated, what he understood his noble Friend to have stated again to-night, that it was a measure undoubtedly most desirable for promoting the prosperity of the colony; and that, consistently with justice, and, as far as possible, the proceeds of that fund should be appropriated to the purposes of emigration. At the same time he stated, that after all, it was essential that the social system should be kept up in the colony, that the ordinary functions of government should be maintained, and the necessary establishments supported, and that if the inhabitants generally were not willing to tax themselves for those purposes, then it was the duty of the Government to avail themselves of the only fund they could resort to, without imposing a tax on the people of this country for the maintenance of establishments in that colony—a tax which he thought the people of this country would very justly protest against being called upon to pay. That was the doctrine he stated last year on the part of the Government, and which he was still prepared to maintain. He thought there were objects even more important and sacred than those which consisted in supplying free labour to the colony which demanded the attention of the Government. To afford protection to the aborigines against the evil passions of the settlers, by maintaining courts of justice, was a charge upon the fund which ought to take precedence of every other, and a charge which the Government were bound to take care to see was in the first place defrayed.

Mr. *Hutt* said, that the right hon. Gentleman had mis-stated the case of South Australia last year, and had done so also this. The right hon. Gentleman had even made the case worse by his present statement.

Sir *W. Molesworth,* in reply, said, that as the noble Lord had not decidedly said that a time might not come when transportation should be abolished, he (Sir W. Molesworth) trusted the time was not far off. He would not divide the House, but would be contented with having his motion recorded on the votes.

Previous question agreed to.

Cinque Ports—Pilotage.] On the motion of Mr. *Labouchere,* the House went into a committee on the Pilotage Act. In committee the right hon. Gentleman stated, that by the ancient privileges of the Cinque Ports, confirmed by several Acts of Parliament, and lastly by the Pilotage Act, vessels entering the Thames, having on board an owner or pilot who was an inhabitant of the Cinque Ports, was exempted from river dues. This privilege had lately been brought into question under circumstances of legal difficulty arising out of claims on the part of a French steam company under the Reciprocity Act, which it was most desirable should be fulfilled in spirit as well as to the letter. It appeared that a British steam company engaged in the carriage of passengers to Havre had engaged an individual or householder of one of the Cinque Ports to take part as owner in their vessels, and by his presence to free them from the payment of the dues on the River Thames. The rival French company had, in retaliation, adopted a similar expedient; but it appeared that our laws stood in the way of Englishmen possessing French property of this description. As it was most desirable to place both parties on an equal footing, he had consulted his Grace the Duke of Wellington, and had obtained his sanction to bringing in a bill which abolished the objectionable privilege, and so get rid of the difficulty of fairly fulfilling the spirit of the Act of Reciprocity. The right hon. Gentleman moved a resolution that leave be asked to bring in a bill, to repeal so much of an act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for the amendment of the law respecting pilots and pilotage, and also for the better preservation of floating lights, buoys, and beacons," as exempts from penalty the master or mate of any ship or vessel, being the owner or part owner of such ship or vessel, and residing at Dover, Deal, or the Isle of Thanet, for piloting or conducting such his own ship or vessel, in certain cases in the said act mentioned.

Resolution agreed to.

House resumed, and bill ordered to be brought in.

Import Duties.] Mr. *Hume* said, that as there was no objection to the motion of which he had given notice, he would not trouble the House with any statement, further than to say that his object was to ascertain how far the duties levied on imports were protective, or were levied for the purpose of revenue alone. He hoped that the result would be to induce the House to make some alteration in the state of our tariff. The hon. Member concluded by moving for a select committee to inquire into the several duties levied on imports into the United Kingdom; and whether those duties are for protection to similar articles, the produce or manufacture of this country or of the British possessions abroad; or whether the duties are for the purposes of revenue.

Lord *Granville Somerset* wished to know whether it was intended that this committee should take the subject of the Corn-laws into its consideration?

Mr. *Labouchere* said, that he had objected to the motion in its original form, as making the inquiry too extensive; but he imagined, upon reading the words of this motion, that the object of the committee would be to classify the information it obtained with regard to duties on commodities into this country, whether protective or levied for purposes of revenue; and in that way he thought the committee might be usefully employed; but if they were to pronounce opinions on the expediency of protecting this or that article, he should despair of deriving from their labours any useful result.

Mr. *Hume* was too well aware of the inutility of submitting the recommendation of committees to that House upon so great a question to think of proposing such a committee; but when he told the House that there were 1,150 different entries in our tariff book, which every man importing goods must be acquainted with, whilst the tariff book of the German states of Holland or Belgium, did not contain half that number, it must be admitted that an inquiry was necessary, as it might be the means of simplifying that tariff book.

Lord *Granville Somerset* said, that of course, after the explanation which had been given, the great question of the Corn-laws would not come before the committee, and he was inclined to think that their labours might be productive of good.

Motion agreed to.

HOUSE OF COMMONS,

Wednesday, May 6, 1840.

MINUTES.] Bills. Read a second time:—Jury Cess (Ireland); Imprisonment for Debt.

Petitions presented. By Messrs. Villiers, Evans, Easthope, Brotherton, Hodges, C. Lushington, T. Duncombe, Hutt, Baines, Sir G. Grey, Sir T. Troubridge, and Lord Worsley, from an immense number of places, against, and by Lord G. Somerset, Sir R. H. Inglis, Lord Ashley, Sir W. Heathcote, Lord Stanley, Captain Elliot, Mr. Darby, Mr. R. Palmer, Mr. Bramston, and Mr. Kemble, from a great number of places, for, Church Extension.—By Mr. Kemble, Mr. Buck, Lord G. Somerset, Sir James Graham, and Lord Arthur Lennox, from a number of places, against the Grant to Maynooth College.—By Colonel Macnamara, Sir W. Somerville, Mr. Smith O'Brien, Lord Clements, Mr. Hume, Mr. A. Yates, Mr. Archdall, and Mr. O. Cave, from a very great number of places, against the Irish Registration Bill.—By Messrs. Villiers, Hume, and Warburton, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By the Earl of Lincoln, from one place, for an Alteration in the Poor-law Act.—By Mr. Warburton, from Edinburgh, against the Copyright Bill.—By Mr. Colquhoun, from some place, against the Post-horse Duties.—By Mr. Litton, from New Ross, and other places, against the Importation of Flour into Ireland.—By the Attorney-general, from Edinburgh, in favour of the Importation of Foreign Flour.—By Sir W. Heathcote, from Ryde, against the Rural Police Bill.—By Sir James Graham, from Glasgow, in favour of Non-Intrusion.—By Messrs. T. Duncombe, Hume, B. Wood, Thorneley, Captain Pechell, and Colonel Salwey, from a number of places, against Church Rates, and for the Release of John Thorogood.—By Captain Winnington, from two places, against the County Constabulary Bill.—By Mr. Buck, from Crediton, against the Rating of Workhouses Bill.—By Mr. Wakley, from Edinburgh, for Medical Reform.

REGISTRATION OF VOTERS (IRELAND).] Viscount *Morpeth* rose to request the noble Lord the Member for North Lancashire, to postpone the notice which stood upon the paper for going into committee on the Registration Ireland Bill. The House was probably aware of the violent and awful death (the murder of Lord W. Russell) of a near relative of his noble Friend the Secretary for the Colonies. It was due to the interest of the question involved in the discussion of the Irish Registration-bill, as well as to the position which the noble Lord the Secretary for the Colonies held in the House, that he should, if possible, be present at the discussion, and he therefore ventured to express a hope that the noble Lord would consent to the postponement of the order for going into committee.

Lord *Stanley* said, that though he felt the great importance which was attached to the question of which the numerous attendance in expectation of its discussion was the best proof, yet, after the appeal which had been made to him, and seeing how desirable it was that the noble Lord the Secretary for the Colonies should be present at the consideration of so important a measure, he felt that he could not do otherwise than consent. He must at the same time say, that as the question was one of such vital importance, he might fairly expect, on the part of Her Majesty's Ministers, that some other day, and at no distant period, should be appointed for the discussion. The only object which he had in view was to secure for the question a full, fair, and impartial discussion. He only desired that the Bill should stand or fall by its own merits. He asked for it no other favour than a full and fair discussion, and he hoped the House would, when it came under consideration, afford it the attention which its importance deserved. He therefore hoped that Her Majesty's Ministers would fix a day, and that no distant one, when the committee on this bill should have precedence of all other business. It was not his wish to interfere in the slightest degree with any arrangement which Government might have made for carrying on the public business. He did not seek to interpose the question between the committee of supply on Friday and the financial statement on Monday next, but he hoped it would be fixed for the earliest possible day after that. He would have asked to have it fixed for the Friday se'night, were it not for the inconvenience which might arise from the notice which the hon. Member for Wolverhampton had upon the paper for the Thursday preceding, which would in all probability prove to be an adjourned debate. He was therefore desirous in fixing the day that there should be no possibility of a misunderstanding. He would be happy to name Friday se'night, if the hon. Member for Wolverhampton would consent to postpone his motion from the Thursday to the Tuesday following, but he wished to have it distinctly understood that neither an adjourned debate nor any other motion should interfere with the order for going into committee on the bill.

Viscount *Morpeth* felt much obliged for the readiness with which the noble Lord acceded to his request. He thought the noble Lord was fully entitled to ask for a particular and early day for the discussion, and he would name Monday week for going into committee on the bill. He would have named Friday week, but for the reasons already assigned by the noble Lord.

The order of the day for going into committee postponed.. All other business postponed

HOUSE OF LORDS,

Thursday, May 7, 1840.

MINUTES.] Bill. Read a third time:—Lord Seaton's Annuity.

Petitions presented. By the Earl of Hatherton, from one place, against any Amendment of the Poor-laws.—By the Duke of Cleveland, from a number of places, for, and by the Marquess of Salisbury, from several places, against, the Repeal of the Corn-laws.—By Lord Strangford, from Trinidad, against the Importation of Foreign Sugar into the United Kingdom.—By the Duke of Argyle, from one place, in favour of Non-Intrusion.—By the Bishop of Exeter, from Kidderminster, for Medical Reform; from several places, for Church Extension.—By the Earl of Winchilsea, from several places, for the same.—By Lord Redesdale, from Carlisle, in favour of Non-Intrusion.

HOUSE OF COMMONS,

Thursday, May 7, 1840.

MINUTES.] Petitions presented. By Messrs. Villiers, Finch, Baines, Byng, C. Lushington, Gisborne, Brotherton, A. White, Erle, Hume, Hawes, and Ellis, Sir M. Wood, Sir C. Style, and Captain Berkeley, from a very great number of places, against, and by Sir R. H. Inglis, Lord Sandon, Lord G. Somerset, Captain Alsager, Lord A. Lennox, Lord Dungannon, and Messrs. Colquhoun, Blackstone, Clive, and W. Miles, from a number of places, for, Church Extension.—By Messrs. Pease, Hume, and Villiers, from a number of places, for, and by Mr. Codrington, and Mr. Bell, from three places, against, the Repeal of the Corn-laws.—By Lord Sandon, from Liverpool, Mr. Pease, from Northampton, and Mr. Baines, from several places, against the Opium Trade.—By Lord Dungannon, Mr. Blackstone, and Mr. Turner, from several places, against, the Grant to Maynooth College.—By Mr. Alderman Copeland, from Stoke-upon-Trent, and by Mr. Byng, from Brentford, against Rating Personal Property to the Poor.—By Mr. Turner, Mr. A. White, and Mr. Hume, from a number of places, against Church Rates, and for the Release of John Thorogood.—By Captain Peehell, from several Unions in Sussex, against Parts of the Poor-law Act.—By Mr. O'Connell, from several places, by the O'Connor Don, and by Sir E. Roche, from a number of places, against the Irish Registration Bill.—By Sir E. Roche, from one place, for an Extension of the Franchise.—By Mr. Christopher, from three places, against the Sewers Bill.

HOUSE OF LORDS,

Friday, May 8, 1840.

MINUTES.] Bill. Read a first time:—Insolvent Debtors (Ireland).

Petitions presented. By Lord Redesdale, from a place in Derbyshire, against the Grant to Maynooth College.—By Lord Prudhoe, from several places in Northumberland, for Medical Reform, and against the Repeal of the Corn-laws.—By Earl Stanhope, from a number of places, against the War with China.—By the Duke of Buccleugh, from several places, for Settling the Scotch Church Question.—By the Marquess of Londonderry, from Dublin, against the Irish Corporations Bill.—By the Earl of Galloway, from Woodstock, against the Repeal of the Corn-Laws.—By the Earl of Aberdeen, from the Isle of Skye, for the Promotion of Emigration.—By the Bishop of London, from Prince Edward's Island, for Church Extension in the Colonies.

FEUING LAND FOR CHURCHES (SCOTLAND).] The Earl of *Rosebery*, on rising to move the second reading of the bill for Feuing Entailed Estates for Churches, &c., said, that for some years past, large contributions had been making, contributions which still continued to be made by private individuals, for the construction of Churches in Scotland, but, as was generally known to their Lordships, entails in that part of the country were so stringent, that it was almost impossible, in many cases, although the requisite sums were subscribed, to find sites for building the Churches for which those subscriptions were contributed. The only resource was in a private Act of Parliament; but this was so expensive a remedy as to be, in most cases, impracticable. It was for the purpose of removing the obstacles which existed in Scotland to the alienation of small plots of ground for Church purposes, and for facilitating the raising of Churches and chapels, where required, and where funds were contributed by the generosity of individuals, that he now introduced this bill. As the same obstacles were found to occur in the erection of schools and school-houses, he had introduced provisions to meet that case also. He had also given power to the heir in possession of entailed estates to alienate property for these purposes, for an adequate consideration at pleasure, but he had guarded this enactment with the restraint, that such heir should not have the power of taking in return any tithe or other consideration than the reserved rent which might be agreed upon, and the whole proceeding would be referred, in all cases, to the sheriff of the county, who was to judge if the bargain were expedient and just, first of all calling upon the next heir for his assent. The bill also gave power to heirs in possession to alienate lands for the erection of Dissenting meeting-houses; but this was guarded by the most stringent provisions that he (Lord Rosebery) could invent, to prevent any other than Christian congregations from partaking of the benefit of the measure. Such was the outline of his plan, which he thought, applying as it did to every corner of the country, ought to have the assent of every noble Lord connected with Scotland. He moved that the bill be read a second time.

Bill read a second time.

HOUSE OF COMMONS,

Friday, May 8, 1840.

MINUTES.] Bills. Read a first time:—Pilots.—Read a third time:—Prisons; Exchequer Bills.

Petitions presented. By Messrs. J. Neeld, Lister, and R. B. Wilbraham, Sir R. H. Inglis, Viscount Barrington, and Sir R. Hill, from a number of places, for, and by Messrs. Fort, Strutt, Warburton, Ellis, Brotherton, Hume, Baines, Hodges, R. Currie, Clive, Langdale, J. Parker, Williams, Hawes, Sir C. Styles, Captain Winnington, Sir G. Staunton, and Sir R. Vivian, from a great number of places, against, Church Extension.—By Messrs. Wallace, Pattison, Greg, T. Dundas, Warburton, Sir B. Hall, and Sir R. Ferguson, from a number of places, for the Repeal of the Corn-laws.—By Sir M. Wood, from one place, against the Poor-law Commissioners.—By Captain Winnington, from several places, against Church Rates, and against the Ecclesiastical Courts.—By Sir E. Filmer, from Gravesend, against the Corporation Act.—By Mr. Brotherton, from Salford, against the Constabulary Bill.—By Sir E. Wilmot, from Lichfield, in favour of the Grammar School Bill.—By Mr. Ewart, from Liverpool, Sir C. Skyle, from several places, and Sergeant Currie, from Armagh, against the Irish Registration Bill.—By Colonel Bailey, from the Isle of Skrye, for a General system of Emigration.—By Mr. Curry, and Sir C. Coote, from Cavan, and another place, in favour of the Irish Registration Bill.

THE BUDGET.] The *Chancellor of the Exchequer* said, that, perhaps, it would be for the convenience of the House if he were to state that, in consequence of the same cause which had interrupted the progress of the business of the House, he proposed postponing his financial statement from Monday next till the Friday following.

Sir *R. Peel* said, that no one could more deeply regret than he did the necessity that had arisen for postponing public business; at the same time, he thought that the financial statement might have been made in the absence of the noble Lord, the Secretary for the Colonies, as it did not often meet with controversial discussion, and it put the House and the country in possession of the financial views of the Government. If it were impossible for the right hon. Gentleman to change his determination, he wished to understand whether the right hon. Gentleman could calculate upon bringing on the subject on Friday next. On Thursday the hon. Member for Wolverhampton had given notice, that it was his intention to bring forward the question of the Corn-laws. That question had already occupied the House three nights, and it was possible that the discussion would not close in one night. The right hon. Gentleman must also bear in mind that his noble Friend (Lord Stanley) had fixed Monday for his Irish Registration Bill, and the consequence might be, that Friday fortnight would be the earliest day on which the right hon. Gentleman could make his financial statement. He must again express his regret that the right hon. Gentleman had felt the necessity of postponing his financial statement.

The *Chancellor of the Exchequer* said, that he considered it necessary to postpone his financial statement, as, feeling that that statement might lead to a debate of considerable importance to the permanent interests of the country, he did not think that he should be justified in bringing it forward in the absence of his noble Friend. He was prepared to bring forward that statement on the very first day that his noble Friend was able to attend, but he begged to state, that he certainly was not prepared to postpone the budget, if the debate on the Corn-laws should be adjourned. On Friday he should propose that the financial statement take precedence, whatever might be the result.

Mr. *Hume* said, that that was not a very fair mode of treating a question which had already occupied three nights. The House had come to no decision upon the subject, and if they now thought fit to hurry over it, they might as well come to a division without any more discussion. If there were to be any dicussion, he hoped it would be a fair discussion, in order that the country might see what was really the opinion of the House. He submitted that the right hon. Gentleman was not acting very fairly towards this question, and he hoped that the right hon. Gentleman would postpone his budget a few days, rather than interfere with the question of Corn-laws, in which the country felt so deep an interest.

The *Chancellor of the Exchequer* said, that under the circumstances, perhaps, his hon. Friend, the Member for Wolverhampton (Mr. Villiers) would deem it advisable to postpone his motion.

Buenos Ayres.] In reply to a question from Mr. Colquhoun,

Viscount *Palmerston* said that the hon. Member must be aware there was no question about the acquiescence of one power in a blockade established by another, unless the Government of the other country meant to prevent the blockade by force. It was erroneous to suppose that when any foreign power imposed a blockade upon another, this country or any other was called upon to acknowledge or object to the blockade. The establishment of a blockade was a fact which arose out of the right of an independent Government, and all that the Government of this country or any other had to do was to warn its own subjects that the blockade was established, and to warn them not to incur any danger in consequence of its existence. Now as to Buenos Ayres, to which the question particularly referred, in June, 1838, the French admiral had notified to our ambassador there the fact of the blockade which had since been enforced. The French Admiral had declared the port of Buenos Ayres in a state of strict blockade. That was a fact which had been made the subject of frequent discussion between the French and English Governments, and although in the first instance the notification came from the French Admiral on the station, yet the discussions afterwards showed that it was either done in consequence of previous orders from the Government, or that the Government adopted the acts of the admiral. With regard to a declaration of war, he believed that there had been no formal declaration, but the fact was that the state of the two countries was one of war; there had been hostilities on both sides; but the very blockade established a state of war even if there had been none before, and the blockade could not be binding on other countries if it were not on the principle that it was a measure of war.

Mr. *Colquhoun* reminded the noble Lord of his promise to render the blockade less severe, and asked whether he had not been informed that it had been made more stringent as to communications between British merchants and their agents at Buenos Ayres?

Viscount *Palmerston* had heard that it had been made so, with respect to particular individuals. He was not sure whether there had been any relaxation with regard to them, but speaking generally, there had been no relaxation of the degree in which the blockade had been enforced. Hon. Members were aware that communications had passed between the French admiral and the authorities at Monte Video, with respect to impediments in the river navigation, but though these were executed by the French force, they were in fact done by the direction of the officials at Monte Video.

Post Office Covers and Stamps.] Mr. *Barneby* wished to put a question to the Chancellor of the Exchequer, with respect to the postage stamps and covers. The orders in council with respect to them stated that the stamps would be sold to the public at a penny each, and the covers at a penny farthing. Now the fact was, that the stamp distributors at the west-end of the town were charging one shilling and twopence a dozen for the stamps, and they refused to sell covers under three-half-pence. Was the Chancellor of the Exchequer aware of this, and if not, was it his intention to make inquiries on the subject? as he thought that the system to which he had adverted was an imposition on the public.

The *Chancellor of the Exchequer* thought the hon. Member must be under some mistake when he stated that this course was pursued by stamp distributors. He thought that he had confounded them with persons who had taken out a license to sell stamps.

Mr. *Barneby* stated that he considered the subject of so much importance, that he had written to the commissioners of stamps on the subject.

The *Chancellor of the Exchequer* said, that it rested with the public, as to whether they would purchase the stamps from the proper distributors, or from those only who were licensed to sell stamps.

Mr. *Barneby* wanted to know whether those persons who were authorized by the Stamp-office to sell stamps, were permitted to charge eight or sixteen per cent. profit?

The *Chancellor of the Exchequer* would answer that question at once. The officers of the stamp department sold at a certain fixed price, but other parties who had the power of sale by licence, sold at any price they could get, or the public were unwise or foolish enough to give.

Sir *R. Peel* wished to ask whether it were intended to retain permanently that ornamental engraving which appeared on the outside of the covers. He had the highest respect for the talents of the artist by whom it had been produced, and it was not his intention at all to call in question its merits as a work of art. It was a different question, however, whether it was convenient, and he therefore wished to know whether the multiplication of figures was any security against forgery? for if not, he thought it would be for the convenience of the public that the engraving should be curtailed so as to afford more space for the address. He certainly thought it would be better to select a portion of the engraving; but, in saying this, he begged again to state, that he did not call into question its merit as a work of art, although he very much doubted its utility.

The *Chancellor of the Exchequer* likewise would not go into a discussion of the merit of the covers as a work of art. Hon. Members in the House seemed decided in opinion upon that point. He begged, however, to state, that whatever opinion the House might have formed, those persons who had been appointed to give a judgment upon the design, had come to a different conclusion from that which appeared to be the general opinion. It might be desirable to make some alteration in the engraving, and he certainly thought too much space was occupied with the figures. There would be scarcely any expense in changing it, but of course the object of the engraving on the cover was to afford as much check as possible against forgery.

SUPPLY—MISCELLANEOUS ESTIMATES—SUPERANNUATION.] House in Committee of Supply.

A vote of 90,950*l.* was moved for allowances and compensation to persons formerly employed in public offices.

Mr. *Hume* complained of the power of the Government to superannuate officers upon mere changes or reductions, at their own will, when the same officers were still fit for service. There was an increase of 681 persons in offices this year, of whom 484 were connected with the post-office alone, and there were also many new ones in the Customs and Excise. It was impossible this increase could take place without an increase in the salaries, and they had increased 38,000*l.* this year. This was not consistent with economy, and he hoped to make the House agree with him in putting a stop to this increase. He would like to know why the services of some of those superannuated could not be made available; and before he would vote one sum, he would require an explanation why George Leadbitter should have a superannuation of 150*l.* a-year for fifteen years' service, and of 78*l.* to Thomas Capes for twelve years' services?

Mr. *Robert Gordon* said, that the increase arose in some measure from changes to Ireland and the superannuation to Sir Alexander Spearman and others. With respect to the police-officers, Leadbitter and Capes, they were paid out of the old police-fund. They were appointed specially to be in attendance on the court, and when it was thought desirable that the new police-force should be extended to Windsor, they being no longer necessary, were granted a retiring allowance.

Mr. *Hume* could not see why they

should not be still employed in some branch of the public service.

The *Chancellor of the Exchequer* stated that he considered the two persons objected to were superannuated too soon, and on the first opportunity they ought to be reinstated in the public employment.

Mr. *Hume* stated he would move that 13,077*l.* 12*s.* 3*d.* should be granted instead of the vote proposed—that which he intended to do was, that they should first take the vote for the Treasury. He would afterwards proceed with the votes for the Home, the Foreign, and the Colonial offices.

The *Chairman* could not take the vote in the manner proposed by the hon. Member. It was for the Government to withdraw that vote, or for the hon. Member to move for its rejection.

Sir *R. Peel* considered, that if persons were capable of employment they ought to be employed, and not superannuated. The police officers objected to might be capable of being employed in the Government or country police; and if they were, they ought not to be superannuated. But then, although they were good officers at the palace, they might not make proper superintendents of the police. Inquiry ought, then, to be made into the circumstances. The vote ought to be postponed until the House was put in possession of the explanation of the circumstances of the case.

The sum of 80,000*l*, was voted on account.

Supply—London University.] On the sum of 5,418*l.* having been proposed to defray the expenses of the University of London.

Mr. *S. O'Brien* complained of the amount of the salaries allowed to the examiners.

Mr. *Goulburn* said, the salaries given to the examiners at this University were 200*l.* a year each, while the examiners at Oxford and Cambridge received only 20*l.* with the exception of a few, such as the examiners on political economy, who received 30*l.* He doubted the expediency of allowing such large salaries to the examiners of the London University.

Mr. *Labouchere* thought it necessary to advert to the difference of circumstances between the examiners at Oxford and Cambridge, and those at the London University, to show that what was sufficient for the former could by no means be sufficient for the latter. Let him ask the hon. Gentleman who were those examiners at Oxford and Cambridge? They were persons, who, as the tutors of their colleges, were receiving considerable incomes from the young men whom they were attending, who derived a large interest from their fellowships, and who moreover enjoyed their share of all the emoluments and advantages attaching to those ancient and well-endowed universities. It was, therefore, unfair to say that the examiners of the London University should receive no greater salary than those of Oxford or Cambridge, when they derived no other emolument from their connexion with that institution.

Mr. *Goulburn* would not deny that there were certain circumstances connected with the former universities which gave the examiners there considerable advantage over those of the London University, but he must at the same time say that the tutors were not always examiners. The tutors gave instructions, and at the examinations, young men, eminent in their several departments, were chosen to judge the merits and progress of the students, so that there should be no collusion between the examiners and tutors. Even if they added the emoluments of the fellowships to the sum they received for the examinations, they would not make up 200*l.* a-year. It should not be forgotten that the examiners in surgery, medicine, and anatomy in the London University, enjoyed a large hospital practice, and derived far greater emoluments from their connection with that university than the examiners in Oxford or Cambridge did from their fellowships. There were also in London many men who for the mere honour of a connection with that university would be willing to accept the office of examiners. In many respects this university had advantages which did not belong to those of Oxford or Cambridge.

Mr. *Pryme* observed, that the examiners in Oxford and Cambridge had only to walk from their residences and their colleges to the senate house, to earn their 20*l.*, while those of the London University had to go from, perhaps, the remotest part of the metropolis, and to interrupt for days, the ordinary course of their business.

Mr. *Warburton* said, that as far as regarded the total amount, he thought it ought to be considered there was a claim on the Government of supporting an additional establishment in London, which ought not to be lost sight of. A large college was founded by Sir Thomas Gresham, on the plan of Oxford and Cambridge; but, by most scandalous jobbing between the City and the Government of that day, the college was disposed of, and on the scite was built an Excise-office. The professors received a pittance of 200*l.* a-year, which had since become a sinecure, and all the great property was abandoned. It would be unjust that they should complain of the amount, but when they came to canvass the details it was right that they should see that the sums were well founded. He thought some of the sums were too large. He thought so in the case of the medical examiner, who had 250*l.* a-year. It arose from the professors having nominated themselves. He had no doubt whatever, that 100*l.* a-year would really be considered an ample allowance to give to a medical examiner of this university.

Mr. *S. O'Brien* said, that he should be the last person in the House to cavil at a grant for the purposes of education. He must say, however, that it would be easy to obtain gentlemen who, for the sake of the honour of being connected with the University, would, for a nominal consideration, give their services.

Mr. *Godson* observed, that taking the fees which were exacted as a criterion for the number of pupils, it was almost 50*l.* a-head. 3,340*l.* was paid for examining pupils, the whole number of whom, according to the amount of fees paid by them, could not be 100. It would appear that there were twenty-five examiners.

Mr. *Wakley* should be glad to know how to characterise the conduct of the university, and the proposal of the vote in terms which could not give offence to any parties connected with the University, but he was compelled to state that the entire proceeding had given offence to a large number of persons. He considered the university to be objectionable in principle and most obnoxious in practice. The university was in the hands of the minister. Was that the way to encourage talent? Was that consistent with the liberal times in which we lived? He said fearlessly that Oxford and Cambridge were republics of letters compared with this institution in London. He said that it was not right to vote away money to support a particular college in London. The fees for a bachelor of medicine were 125*l.* The amount of fees showed the estimation in which this new shop was held. They had no honour to dispose of, they could not confer a single right. A person who paid the fee was liable to a penalty of 20*l.*, if he mixed in a mortar the drugs which he prescribed for a patient; yet the House was called upon to vote 6,000*l.* for the maintenance of that university. He did not like to say it was a humbug. Should he say it was a fraud? In point of fact many people believed it was both one and the other: and he must say that his opinions were in accordance with the opinions which they entertained. Men had been appointed to this institution whom the public did not prize. Ministers lent an ear to their Friends, whilst they turned a deaf ear on those who did not support them in politics. If they were men whose signatures were of importance to a diploma there would not be such a miserable account of receipts as was exhibited in this paper. These persons first selected themselves to be examiners, and then named the sums they should receive for their services. He believed that they voted themselves more than the public would receive in return. He asserted that the university ought to be made available for the public generally, and that particular schools ought not to be selected. A friend of his, who wished to have his pupils matriculated, was ill-used by the minister, and his application almost torn up before his face, or something of that sort. It was a monstrous and most iniquitous injustice.

Mr. *Warburton* hoped that this institution might be open to candidates whereever they were educated, and trusted that such would be the case before this time next year. The senate of the university had applied to Government to know, whether, if certain changes were made, Government would be favourable to them. One of the proposed changes was, that the institution should be open to candidates wherever they were educated. At present the schools from which candidates were admitted were determined by the Secretary of State—the senate had no discretion. The friend of the hon. Member for Finsbury had only to read the charter to see that his application must be made to the Secretary of State. His hon. Friend remarked on the small number of the medical students; but this arose from the course of examination, which was much more difficult than the 'curriculum' laid down in other universities. What was the consequence? As long as there were places where medical degrees could be obtained on easier terms, those places would have the priority. The novelty of the institution, and the difficulty of the examination, was sufficient to account for the small number of students. In the university of Durham, the electoral body as at Oxford and Cambridge, were all graduates of the university. As soon as there should be a sufficient body of graduates in whom to repose the power now exercised by the Government, that power would be transferred to the electoral body.

Mr. *Hume* maintained that the House was not sufficiently informed of the proceedings of the university to agree to so large a vote. Every public establishment receiving the public money, ought to give a regular account of their proceedings during the whole year. If the House agreed to the vote now, he hoped that there would be some inquiry before the report was brought up. He was of opinion that the salaries were a great deal too high. He hoped, before the House disposed of this vote, they would have a report from the senate, in vindication of these charges, and of the necessity of having twenty-five examiners.

The *Chancellor of the Exchequer* had no objection to accede to the hon. Gentleman's request, and to postpone the vote; because he trusted that, from the high character of the university, further examination would only tend to remove an unfavourable impression. He was not disposed to say that the salaries were, in any way, unreasonable, when he recollected that the examiners were deprived of the means of carrying on their business for three months. When it was considered that revising barristers received five guineas a-day, 3*l.* a-day did not appear to him to be too large a sum.

Mr. *Goulburn* suggested, that the information should comprise such particulars as would enable the House to see how many professors and officers in the establishment held two or three different lectureships and situations.

Mr. *Wakley* was surprised that the right hon. Gentleman, being an experienced and practical man, should not insist upon the production of the whole of the minutes of the proceedings of the senate. It would be useless to attempt to detect abuses or mismanagement by requiring the members of the college to make a report on their own condition, which would, of course, if made by them, be favourable to the management of those who made it a pretext to apply in this way for a portion of the public money. To postpone the vote would be of no possible advantage, unless it were for the purpose of procuring, through the right hon. the Chancellor of the Exchequer, information which he seemed not inclined to give.

The *Chancellor of the Exchequer* said, all he could consent to give in the way of details, would be the names of the parties employed in offices, the offices or posts in which they were so employed in the university, and the parties examining the students.

Mr. *Hume* said, that to refuse to produce the proceedings of the senate, would be such a sinister concealment of the course pursued, in respect to education in this seminary, as must excessively prejudice, and possibly ruin, at its commencement, this great national institution. He was given to understand, that the proceedings were already in print, and could be furnished to the House, if the right hon. Gentleman consented, without any delay or trouble.

The *Chancellor of the Exchequer* could not see any material advantage to be derived by hon. Members from the printing of such a voluminous work as the whole details of the minutes of the senate during the past year.

Vote postponed.

SUPPLY—SCHOOL OF DESIGNS.] The next vote was 1,300*l.* for the school of design at Somerset-house.

Mr. *W. Williams* said, he had understood when this school of design was established, that its object was to promote the art of designing among the manufacturers of this country. He had, however, made inquiries upon the subject, and he had found that the school was not of the least use whatever. He believed that this was the only country in which manufactures were carried on to any extent in which schools of design had not long been established. In Lyons there was a school of design maintained and supported by the Government, in which were placed men who not only understood the art of design scientifically, but were also competent to teach its application to articles of manufacture. The superiority of the manufactures of that town were entirely to be attributed to that school of design. In the town, however, which he had the honour to represent, there was no school of design at all until recently. A class of that nature had been attached to the mechanic's institute, from which great advantages were expected. Now, he was quite sure that if a sum so small as even 100l. could be voted to that school, it would be productive of the greatest benefit. If a few hundred pounds a-year were given for the support of schools in the different manufacturing towns, for the purpose of encouraging the art of design, it would be productive of the greatest service, and would do infinitely more good than ever could be expected from the present school.

Mr. *Hume* thought that the Government had begun well in establishing a school of design at Somerset-house, and that this institution might be productive of benefit, but, at the same time, he thought that in great manufacturing towns, and even in London, much might be done by assisting individuals with a room for this purpose.

Mr. *Labouchere* entirely agreed with the hon. Member, in thinking that nothing could be more important than for a manufacturing country like this, to encourage the art of design, and it was much to be regretted that the subject had not been taken up at an earlier period. He, however, begged to remind the hon. Member of the very short period of time during which the school had been established—only three years. In France and Germany, the instruction given was not of a light or superficial character, and they must not expect in this country that the seed which had been so recently sown, should already produce its fruits. He had received a report from the council, in which they said, that although the institution had not answered the sanguine anticipations of many, yet it had still been productive of much good. The number of pupils had very considerably increased. As to what had been said about the assistance to be given to different manufacturing towns, that important object had not been lost sight of. It was the intention of the council to publish cheap elementary works of design, as was done in Prussia, and circulate them in the country. It was also their intention to circulate moulds, and give them away, or sell them at a low price.

Viscount *Sandon* hoped the right hon. Gentleman would be able to carry out his intentions.

Vote agreed to.

SUPPLY—COUNTY RATE.] On the question, that 98,000*l.* be granted to defray certain charges heretofore paid out of the County-rate,

Mr. *Hume* opposed the vote, on the ground that the expenses of prosecutions ought to be borne by the counties, and ought not to be thrown upon the country at large. He had opposed the vote for three years, and he would oppose it as often as it was brought forward. It was shameful truckling on the part of the Government to the country gentlemen, to relieve the land of this burthen. He believed that the country gentlemen would get rid of every burthen if they could, and before long would throw the expense of the highways upon the Consolidated Fund. He would take the sense of the Committee on the vote.

The *Chancellor of the Exchequer* supported the vote, and said, that the principle of it had been recommended by a committee. It was not a relief to the landed interests only, but to the country generally.

Mr. *Wakley* observed, that this expense was increasing every year. He should not object to that increase, if the expenditure were properly applied; but he did not think that prosecutions would be well conducted until there was a public prosecutor.

The *Attorney-General* wished to allude to the suggestion of the hon. Member for Finsbury, with respect to a public prosecutor. He acknowledged that a great improvement would be effected in the administration of justice in the country, by the establishment of such an officer; but, at the same time, as he had frequently turned the subject in his mind, he would tell the hon. Gentleman why he refrained from proposing anything of the kind to Parliament. His not having done so arose from his apprehension of the great expenditure which he felt would follow from the establishment of the officer in question. They must, in that case, have a public prosecutor in every county, in every city and borough of England, and in every Court of Quarter Sessions. That was one of his reasons for not making the proposal in question. Another objection to it was, the great amount of patronage which it would bestow upon the Crown, and which patronage would, he believed, be attended with great inconvenience and embarrassment. He had been deterred by these reasons from bringing forward a measure which would otherwise be a great improvement in the administration of justice in the country.

The Committee divided. — Ayes 84; Noes 15: Majority 69.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Bailey, J. jun.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Beamish, F. B.
Berkeley, hon. C.
Blair, J.
Blake, M. J.
Bodkin, J. J.
Broadley, H.
Brocklehurst, J.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, E.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Chester, H.
Clay, W.
Clerk, Sir G.
Cripps, J.
Darby, G.
Douglas, Sir C. E.
Dundas, D.
Eastnor, Visc.
Egerton, W. T.
Elliot, hon. J. E.
Finch, F.
Fremantle, Sir T.
Godson, R.
Gordon, R.
Goulburn, rt. hn. H.
Grey, rt. hon. Sir G.
Handley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Johnson, General
Johnstone, H.
Jones, J.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Langdale, hon. C.
Macaulay, rt. hon. T. B.
Mackenzie, T.
Mackinnon, W. A.
Marsland, H.
Marsland, T.
Maule, hon. F.
Melgund, Lord
Morpeth, Visct.
Morris, D.
Muntz, G. F.
O'Brien, C.
O'Brien, W. S.
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Patten, W. J.
Pease, J.
Pechell, Capt.
Pigot, D. R.
Ponsonby, C. F. A. C.
Price, Sir R.
Pryme, G.
Rice, E. R.
Roche, W.
Round, C. G.
Rumbold, C.
Rundle, J.
Rushout, G.
Rutherfurd, rt. hn. A.
Sandon, Visc.
Sinclair, Sir. G.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Steuart, R.
Welby, G. E.
Wood, G. W.
Worsley, Lord
Wyndham, W.
Yates, J. A.

TELLERS.
Parker, J.
Tufnell, H.

List of the NOES.

Baines, E.
Gisborne, T.
Hawes, H.
Horsman, E.
Philips, M.
Salwey, Colonel
Style, Sir C.
Vigors, N. A.
Wallace, R.
Brotherton, J.
Warburton, H.
White, A.
White, L.
Williams, W.
Wood, B.

TELLERS.
Hume, J.
Wakley, T.

Vote agreed to.

SUPPLY—FOURDRINIER'S PATENT.— On the question that a sum of 7,000*l.* be granted as a compensation to the Messrs. Fourdrinier,

Mr. *Hume* would not oppose the vote, but he felt that the sum was too scanty.

Mr. *Mackinnon* concurred in the opinion of the hon. Member for Kilkenny. He had himself been a Member of the committee which had investigated the claims of the Messrs. Fourdrinier, and that committee had been unanimously of opinion that 20,000*l.* should be awarded to those gentlemen for the services they had rendered to the country. The late Chancellor of the Exchequer had expressed his intention of granting them the sum of 15,000*l*, and under those circumstances, he (Mr. Mackinnon) felt surprised at the smallness of the present vote.

The *Chancellor of the Exchequer* had felt great hesitation in proposing the vote at all, as he thought it might tend to encourage individuals to look for compensation to the public funds, which he thought would be a very serious evil.

Mr. G. *Knight* was astonished that the Chancellor of the Exchequer should not think it just to reward those whose inventions, as in this instance, had added greatly to the revenue. There had been a breach of good faith here. The late Chancellor of the Exchequer had said, that "if this matter was left to him he would see to it," and now, after the Messrs. Fourdrinier had expended 40,000*l.* on the invention, and it saved 25 per cent. in the manufacture of paper, and nearly 40,000*l.* a-year to the Government, they only offered them 7,000*l.*

Mr. *M. Philips* said, no man could be more opposed than he was to undue grants of public money, but the gentlemen in question had conferred great benefit on the public, and had been deprived by the merest technicality of law, of that advantage which they would otherwise have derived from their ingenuity and skill. They had saved 10*s.* a ream in paper, which, in the quantity used by the House alone, for the printing of Parliamentary documents, 20,000 reams, would save 10,000*l.* a year. Was he not justified in asking that the vote should be at least 10,000*l.*, especially when the son of Mr. Fourdrinier had expended 3,000*l.* in urging his father's claims on Parliament with the most creditable anxiety for his interest? Having presented numerous petitions from the public in favour of a large grant, he felt himself on every principle justified in urging the augmentation of the grant to 10,000*l.*

Lord *Sandon* could add nothing to the concise yet powerful statement of his hon. Friend, the Member for Manchester. He would only say, that the Messrs. Fourdrinier had literally ruined themselves, and lost a large fortune by their valuable invention, which had altered the character of the whole paper manufacture, and thereby conferred also the greatest benefits on every branch of trade. These gentlemen had not only benefitted the public generally, but the Government in particular, and therefore he thought they were entitled to more than the miserable pittance proposed to be given to them. He would appeal to the Chancellor of the Exchequer to reconsider his decision.

The *Chancellor of the Exchequer* said, the cases of Messrs. Fourdrinier and that of Mr. Brunel were different. Mr. Brunel had given up a positive right. He drew his information with regard to the Messrs. Fourdrinier from the papers before the House, and from those it appeared that they were not the original inventors, nor even the original patentees. Mr. Gamble was the original patentee, and had sold his patent to Messrs. Fourdrinier. He did not wish to deteriorate from the merits of those gentlemen, but they were neither the inventors nor the introducers of the invention into England. To neither belonged the merit of having perfected the invention, but all the arguments he had heard, convinced him of the difficulty of laying down a principle that any inventor benefiting the public should be entitled to a certain rate per cent. on the saving effected by the invention. Was it intended to lay down, as a principle, that every patentee, who, by a decision of a court of law, should be deprived of the profits of his invention, in consequence of the mistake of his own lawyer, should be entitled to claim compensation from the public. He found that Mr. Carmichael Smith, Captain Manby, and others, had received rewards from the public. Mr. Crompton, the inventor of the spinning mule, had only received 5,000*l.* for his invention, and he thought that 7,000*l.* was sufficient for the improvers of a patent. If his noble Friend thought it insufficient, he had it in his power to propose to the House to address the Crown to grant a further reward. As for himself he was not at present prepared to go further. If there were persons who had derived such great benefit from this invention, it was not very generous in them to press upon the public, instead of making some remuneration themselves to these gentlemen from whose labours they had derived such advantages.

Mr. *Baines* said that the revenue had derived a benefit of 20,000*l.* from this invention, and therefore the Messrs. Fourdrinier had a claim upon the Government at least for the amount of one year's saving, as they had expended their fortune in bringing this invention to perfection, and had ruined themselves in consequence.

Mr. *Godson* said, the Government offices alone saved a sum of 60,000*l.* by the invention of Messrs. Fourdrinier, and he thought the remuneration of 10,000*l.* was by no means too large; in fact, they should receive at the very least 20,000*l.* He trusted the right hon. Gentleman would postpone the vote in order to its being brought forward on a future occasion in an enlarged form.

Mr. *Gally Knight* said, these gentlemen had been ruined by the use of the word "machine," for "machines," the singular for the plural, in their patent, and after the forbearance exercised by the House on a former occasion, in not pressing a motion in their favour, he had hoped the right hon. Gentleman would have complied with the general wish.

Mr. *George William Wood* supported an increased vote, on the grounds of the benefit afforded to the public in general.

Mr. *Finch* said, that the doctrine laid down by the hon. Gentleman would extend remuneration to every person who had conferred any benefit on the public by any invention. And if the vote were placed on the ground of the saving to the Government, he thought that a vote ought, upon the same ground, to be given to those who had brought the steam-engine to perfection.

Vote agreed to.

SUPPLY—COMMUNICATION WITH INDIA.] On the question that 50,000*l.* be granted to defray the expenses of steam communication with India by way of the Red Sea.

Mr. *Hume* wished to know how this money had been expended, and how much the East-India Company had paid?

Sir *J. C. Hobhouse* said, that the East India Company had spent much more than the 50,000*l.* And when the House considered that the mail which came in to-day arrived in thirty-eight days, and the former mail in thirty-six days, and the one before that in thirty-nine days, and when they recollected that, under an amended arrangement, the mails did not previously reach England under forty-eight, fifty-two, or fifty-six days, and that under the old system they had to wait for four or five months, there could be no ground of complaint. If there were any, it was by the merchants, who thought that their bills came back too soon, and that India was brought rather too near to us.

Mr. *Hume* only wanted to know what the arrangement with the East India Company was, for up to this moment the public were completely ignorant of it. It was only when they were spurred on by the merchants, that the East India Company undertook this mode of conveyance, and he well recollected that when he stated, on the authority of Mr. Waghorn, that letters could arrive from India in thirty-five days, he was laughed at. It was of importance, therefore, to know what were the terms fixed with the Company, and what caused the irregularities in the time of transit that now occurred.

Sir *J. C. Hobhouse* did not know what the hon. Member wanted. Did he want to know the number of steam vessels employed?

Mr. *Hume* would say that inefficient vessels were employed, which were not able to stand the ordinary monsoons. He had received two months' packets together.

Sir *J. C. Hobhouse* said, that what the hon. Gentleman had alluded to had only occurred once. The East India Company had done all in their power, and displayed as much anxiety to keep up the communication as the Government itself.

Mr. *Mark Philips* wished to ask whether the speedy delivery of the mails, that had been alluded to by the right hon. Gentleman, had been caused by any increased power applied lately to the steam-boats, and whether it might be anticipated that the mails would be sent by vessels of equal power, so as to ensure regularity of communication.

Sir *J. C. Hobhouse* said, he would be happy to lay upon the table any returns which the House might think necessary to inform them of what means the East India Company now employed in order to carry out their part of the bargain. When they saw those returns, and compared the number of steam-vessels now employed by the East India Company with those in their service five years ago, he would say that neither the company nor the board over which he had the honour to preside, would have cause to be ashamed of the part they had acted.

Vote agreed to, the House resumed.

HOUSE OF LORDS,

Monday, May 11, 1840.

MINUTES.] Bills. Read a first time:—Exchequer Bills.—Read a third time:—Church Building Acts Amendment.

Petitions presented. By the Earl of Winchilsea, from Ely, and the Marquess of Bute, from several places, against the Grant to Maynooth College; and by the same, and the Bishop of Gloucester, from several places, for Church Extension.—By the Earl of Stradbroke, and Lord Portman, from several places, for, and by the Earl of Verulam, from several places, against, the Repeal of the Corn-laws.—By the Bishop of Exeter, from Leicester, against the Clergy Reserves Bill.—By the Earl of Warwick, from Warwick, for Medical Reform; and from several Unions, against additional Poor-law Commissioners.—By the Earl of Redesdale, from several places, against the new system of Rural Police.—By the Earl of Stanhope, from several places, against the Opium Trade.

CHURCH OF SCOTLAND.] The Bishop of *Exeter* presented petitions from Torquay and another place, against the Clergy Reserves (Canada) Bill. The right rev. Prelate said, he should take that opportunity to correct an error which had gone forth respecting what was supposed to have been said by him when the subject was a short time since under their Lordships' consideration. It had been stated, he understood (for he had seen no report of the proceedings)—but it had been stated, he was informed, in one of the reports of the debate of that night, that he had asserted that "there was no church in Scotland," or words to that effect. When he first was told of this he treated it with ridicule, with contempt; for, not only was that which was represented not what he said, but it was directly contrary to what he really did say. If any of their Lordships recollected what he said on that occasion, they would, he was sure, bear in mind that he spoke of "the church of Scotland" as being "a church in Scotland under the Act of Union." Had he said what had been erroneously ascribed to him, a noble Earl opposite, who took a very deep concern in everything that affected the honour and interest of the church of Scotland, would certainly have corrected it at the time. He would ask the noble Earl whether the noble Earl did not recollect that he spoke of the church of Scotland as a church in Scotland?

The Earl of *Haddington* had no hesitation in answering the appeal of the right rev. Prelate in the affirmative. He had heard the right rev. Prelate speak of the church of Scotland over and over again as a church in Scotland. The right rev. Prelate certainly never said what had appeared in the public prints. He was glad that the right rev. Prelate had taken that opportunity to correct the statement, because it had created unpleasant feelings elsewhere. The right rev. Prelate had said, as he understood, that the clergy of Scotland were not to be considered as a clergy in the empire, but he had spoken of the church of Scotland as a church in Scotland. His contradiction was therefore in accordance with the facts.

The Bishop of *Exeter* observed, that the noble Earl had quoted very nearly what he had said. He said, on the occasion to which reference had been made, that he did not think that the clergy of Scotland were to be considered a clergy out of Scotland—that they were not to be considered a clergy in any other part of the empire than Scotland.

The Marquess of *Lansdowne* confirmed the accuracy of the statement of the right rev. Prelate. He said his opinion was, that the clergy of the church of Scotland were not to be considered as a clergy in any other part of the empire.

CANADA.—LOANS.] The Earl of *Mountcashell* was anxious to put a question to the noble Viscount opposite. Some time ago, a sum of 250,000*l.*, to be raised by loan, had been voted by the House of Assembly of Upper Canada for the purpose of public buildings. Now, he wished to know whether her Majesty's Government had any objection to guarantee that loan, and to sanction the payment of the interest in London. With the guarantee of her Majesty's Government, it would be very easy to raise the sum required. He might be asked for a precedent, and he could, in answer, refer to the Greek loan, which was in no way beneficial to this country, but still it was guaranteed, though for the benefit of a nation not at all connected with this. Such a sum as 250,000*l.* would not be of any great importance to the mother country, but, if properly disposed of, it would produce very great benefit to the colony. He hoped the Government would take the matter into their serious consideration, and that, though they might not be prepared to give an answer to-night, yet that they would ultimately consent to guarantee the loan.

Viscount *Duncannon* said, there was no intention on the part of her Majesty's Government to guarantee any such loan.

Lord *Ellenborough* said, there was no subject more worthy of the serious consideration of her Majesty's Government, than that of facilitating the interests of commerce, by making a communication between the most distant parts of the upper province and sea-going vessels. That subject had been pressed on the attention of her Majesty's Government by Lord Durham; and it was the opinion entertained by every one who knew anything of Canada, that the subject ought to be taken into the immediate, mature, and favourable consideration of the Government.

ADMINISTRATION OF JUSTICE, COURT OF CHANCERY.] The *Lord Chancellor*, having presented a petition from certain Members of the legal profession in support of the Administration of Justice Bill, proceeded to say, that he rose for the purpose of moving the second reading of that bill, which was for the better administration of justice, and which had been for a considerable time on their Lordships' table. Although the time which had elapsed since the bill was introduced was much longer than he could have wished, still he certainly had no reason to regret the period that had thus passed by, because it had given an opportunity to those who took an interest in this subject to consider and examine the measure. It had occasioned very general, and very deep discussion amongst professional men, and in his conviction, he was stating nothing more nor less than the fact, when he said, that the measure had met with all but the unanimous concurrence of the profession. The opinion which the profession entertained on the subject, and which, to a certain extent, might be collected from the petition which he had just presented, arose from the decided conviction of those who had considered the question seriously, and who saw the absolute necessity of an extensive alteration. Indeed, there was no man who knew the manner in which business was conducted in the Court of Chancery, but must see that the power of that court was totally inadequate to the prompt and proper performance of the duties that devolved on it. The evil had been so often stated in their Lordships' House, that he felt it almost unnecessary at this time to enter into any review of the accuracy of those statements. If he thought that any proof of this were wanting, he should refer to the many bills which had been brought into Parliament for the remedy of this acknowledged defect. Bills with this object had been brought forward in the years 1829, 1830, 1832, 1833, 1835, and 1836, when the last bill was brought in by himself. The number of those bills was a proof, at least, that those who had presided over that court, considered that it was essential to the due administration of justice in it that some measure of alteration of the existing practice should be passed into a law. But, an increase of power in the Court of Chancery formed only a portion of what he considered necessary to the establishment of a due administration of justice. Their Lordships had disagreed from the last measure, principally, perhaps, because it was too extensive, because, perhaps, it went to effect what, in their Lordships' mind, was attempting too much, and because their Lordships considered it as involving measures of great difficulty, and measures about the expediency of which there might be considerable room for doubt. The present bill did not go so far, nor would it interfere, he had the satisfaction of thinking, with any measures of a more extensive nature, which it might be deemed necessary at any time to adopt with reference to the Court of Chancery, and the high office which he had the honour to hold, might be altered in future in any respect, notwithstanding anything in this bill. He was not asking in this measure for relief for himself, or for others who might hereafter hold the great seal; this would not be the effect of the bill; on the contrary, it would probably add materially to the amount of the duties of whoever should preside in the Court of Chancery. He, however, had this protection, and the individuals who might hereafter succeed to the office had this protection that it was utterly impossible to impose new duties upon the Lord Chancellor which that officer could perform. Unless their Lordships could add to the twenty-four hours, they could not impose additional duties upon the Lord Chancellor. In fact, it was impossible that any one individual could effectually do the duties which were already imposed upon the great seal. This bill might vary those duties, perhaps increase them, but it would afford no relief from the pressure of business. He, therefore, had no personal interest in the measure, but he considered it to be one of the duties of the office which he had the honour to hold, vigilantly to preside over the administration of justice throughout the country, and particularly in the court over which he presided, and when he saw that justice could not be done, when he found that in the court in which he presided the suitors had justice denied to them, because there was not sufficient power in that court to render effectual the administration of justice in it, he thought that their Lordships would be inclined to agree with him as to the existence of the evil, and to assent to the expediency of devising some remedy for such acknowledged abuses. When he said, that the business in chancery was more than it was possible for any three men to get through, he thought he might go on to consider that this was so much confessed and admitted as a basis of argument on this subject, that it would not be necessary for him to take up much of their Lordships' time by proceeding to demonstrate the fact by a reference to figures. Sometimes those who were not possessed of very accurate information on the subject were fond of referring to the number of bills in chancery that were disposed of by Lord Hardwicke, and of remarking how ably that distinguished and eminent and learned man, had gone through the duties of the chancellorship. Now, no man had reason to regard Lord Hardwicke with more respect than he had—no one perhaps was more fully aware than he was of the way in which Lord Hardwicke performed the duties of the office. He had had access to all Lord Hardwicke's papers, to all his note-books, and to the written judgments which he had delivered, and, therefore, he could say that Lord Hardwicke had bestowed very great labour upon the duties of his office. Of that labour he had reaped the fruits, and though so many years had elapsed since Lord Hardwicke had held the great seal, the memory of his great talents and of the able manner in which he discharged the duties of the office had not yet passed away. When, however, he looked to the quantity of business in chancery in the time of Lord Hardwicke, and compared it with the quantity now, he was only surprised that Lord Hardwicke had not more leisure than it appeared he had. Now, with respect to the number of causes in chancery, the books had unfortunately not been so accurately kept in Lord Hardwicke's time as it had been the practice to keep them since, and therefore, the only comparison he could make would necessarily be incomplete. Lord Hardwicke had acceded to the great seal in 1756, and the year 1759 was the earliest date respecting which he (the Lord Chancellor) could give any information. The average number of causes, then, which were set down for hearing in the five years ending with 1764 were 383, the average of the five years ending in 1769 was 461, that of the five years ending in 1804 was 501, while that of the same period ending in 1812, and immediately preceding the appointment of the Vice Chancellor, had risen to 562. That was, no doubt, a very great increase upon the average in Lord Hardwicke's time. But what was the case afterwards? By the end of the five years ending with 1824 the influence on the cause-paper of the appointment of the Vice-Chancellor was felt, and the effect was to raise the average number to 959. But the average number of the five years ending with 1839, which was the latest period for which an average could be calculated, was 1,248. A very great increase, then, in the number of causes set down for hearing had followed the appointment of the Vice-Chancellor. That showed to demonstration, that in estimating the proper amount of power to be given to the Court of Chancery they ought not to look to the quantity of business which was done now in the courts, but they ought to consider what would be the result as to the increase of business, if the Court of Chancery were in fact thrown open to the suitors; that was to say, if the suitors of this country could have a court which they could resort to with any hopes of justice. He had shown that the number of causes had very much increased of late years. What was the case with respect to bills filed? The average number of bills filed in the five years immediately before the appointment of the Vice-Chancellor was 1,830; the average of the period ending last year was 2,236. Then it ought to be considered, that there was scarcely any cause which had not to work its way up twice through the paper before it could have a hearing. In the very great majority of causes which came on for hearing, a reference to the Master became necessary, and was ordered accordingly. When this was done, and the inquiry was finished, the cause was again set down on the paper for hearing. Every cause, therefore, worked its way up the paper twice before it came on to be heard. Each of these causes took three years in performing this. The mere time, therefore, occupied in working through the list was three years, and during this period every thing was suspended in the cause, except the expenses of the suitors. No exertions of the solicitor could remedy this. That was a great grievance, and one which he trusted that their Lordships would feel it to be their bounden duty to put an end to, for it was nothing else than a denial of justice. There was no doubt that parties only came to the Court of Chancery when dire necessity compelled them. That was a grievance which ought to be remedied. There was another test by which the increase of business in the Court of Chancery might be rendered apparent. He would now call attention to the fund which was intrusted to the administration of the Court of Chancery. In 1802 the suitor's fund, that was to say the money under the Court of Chancery, being not all of it money in litigation, but the property of lunatics, infants, trusts, in short, property of every description which could be under the administration of the Court of Chancery, amounted to 19,908,441*l.* In 1839, this sum had increased to 41,546,000*l.* Therefore in those 37 years the suitors' fund had more than doubled, and had reached the enormous amount he had last mentioned. That amount was too large to be administered by any one establishment. But, though it was true that part of this sum was there in consequence of delay in the court, this was not true of the greater portion of it. Then as to the increase of business which accrued from the two other branches of the court, it should be remembered that there had been a considerable increase to the duties of the Lord Chancellor in consequence of the appeals arising from the other two courts. Now here again, on comparing the pressure of business upon Lord Hardwicke with the pressure upon those who might hold the great seal in these days, their Lordships would be aware of the vast difference which existed in this respect; or their Lordships might judge by considering that the increase of the annual average upon an average of 10 years had been since the period of which he spoke from 10 to 52 appeals. Under these circumstances it was impossible for the present power of the Court of Chancery to get through the business which which came before it. Everybody conversant with the Court of Chancery was aware of the great extent of additional business which the establishment of railways had brought into the court. He could not exactly calculate what was the proportion which it bore to the other business, but the amount was immense; and he believed nothing had been more beneficial than the effect of the interposition of Chancery, on the one hand, to prevent imposition upon individuals by the railway companies, or, on the other hand, to obviate the attempts of individuals to take advantage of the wants of the companies. This, their Lordships were aware, must needs bring into the court many new cases; and so it was with every variety of business which the public engaged in; it was quite sure to find its way, sooner or later, into a court of equity. Many of their Lordships might have had experience of what that was: in fact, there were few persons of considerable property who were without some experience of this at some period or other of their life. It was most important, therefore, to the public and to individuals, that the Court of Chancery should be put into a state to perform its functions duly. When he had brought in his last bill in 1837, he had then very recently acceded to the great seal, but he was certainly not a stranger to the Court of Chancery, having passed 30 years of his life in it; and every impression which he then entertained respecting the necessity of reform there his subsequent experience had served to confirm. He had endeavoured, by every exertion of his strength, to get over the arrear of business, but his strength was not adequate to that purpose. Still he had done more business —that was to say, he had occupied more time in the business of his court, than any of his predecessors for one quarter of a century. It had not been usual of late for the Chancellor to hear causes in the first instance, but he had thought it his duty to take those causes in addition to the ordinary business. During the vacations and other seasons in which their Lordships were not sitting, he had thought it his duty to sit in Chancery; but the effect of all his labour had been comparatively trivial, or rather all that he had done had been of no effect in diminishing the arrears. He was convinced, therefore, that nothing but a great accession of strength to the court could do that justice to the public which the public had a right to demand. These being the difficulties with which they had to contend, the next thing to consider was what way was the best to get rid of them. He had stated before what he conceived to be their Lordships' reasons for disagreeing from his former measure, and in the present bill he had as much as possible avoided whatever was likely to create controversy, and had endeavoured to embody those points which were likely to meet with the greatest concurrence. The principal point to which he should call attention was the alterations he projected in the Court of Chancery. Another point was the state of the Court of Exchequer; the third was the Judicial Committee of the Privy Council. Their Lordships were aware that the Court of Exchequer exercised a jurisdiction at common law as well as in equity. This last jurisdiction was until very modern times exercised by the Court itself, that was to say, by the barons sitting together. Latterly, a change was introduced, and the Chief Baron was empowered by act of Parliament to sit in equity by himself. That was the first step to the division of duties. The act also contained a provision, which was extended by a subsequent act, enabling one of the barons, to be named by the Crown, to sit in case of the absence of the Chief Baron; so that, in point of fact, there were two Courts of Exchequer. Well, that Court being thus divided into two, there were, consequently, many temptations to come into that court. One was the profits of the solicitor there, as compared with the Court of Chancery. A person who was conversant with the subject had told him that the profits on the equity side of the Exchequer were at least 10 per cent. greater than those in Chancery, and he himself had caused a comparative bill of costs to be drawn up, which fully bore out the statement. The principal cause of this discrepancy was, that in the Exchequer seventy-two words were allowed to a folio, while in Chancery ninety words went to a folio. Then a party in Chancery might have his cause depending for from three to six years before it was decided. But in the Exchequer there was no arrear whatever.

The suitor there had not to wait a moment. As soon as the cause was ready for hearing it was heard in the Exchequer. This would appear to be in favour of the Exchequer. But the fact was, this was a matter of taste, and though there were all these temptations to suitors, the result was not such as might be expected. The statements he had made showed that the business in Chancery had trebled since 1764, and since 1812 had doubled. Now in 1764 the number of causes in the Equity Exchequer was 83; in 1794 it was 106; in 1804, 106; in 1812, 116; in 1824, 115; in 1835, 111; in last year, 102; so that while the business in Chancery had trebled last year, the business in the Exchequer had been less than any year since 1794. The returns of bills gave corresponding results. There must be some reason why the business in Chancery stood in this relation to the equity business of the Court of Exchequer. It was no fault of the learned judges of that court. He was perfectly satisfied that every attention had been paid to the equity jurisdiction of that court, and he believed that the duties had been satisfactorily done. Why, then, did the public repair to the Court of Chancery, and not to the Court of Exchequer? First of all, the Exchequer was not constituted as the exigencies of the public required. The system of having one court for the administration both of equity and of law was not consonant with the spirit of these times. Time was when the barrister practised both in law and in equity, as was the case at present in Ireland; but when the bar were divided between law and equity, it was competent for the Crown to take judges from one description of court or the other. It was likewise a great inconvenience to the solicitors transacting business in the Court of Chancery to have anything to do with any other court. The practice of the two courts was different; and a clerk well practised in the management of a suit in the Court of Chancery might be perfectly ignorant of the conduct of a suit in the Court of Exchequer. The inconvenience to which the solicitors were subject was, to a certain extent, felt by the bar, and no equity barrister, if he could possibly avoid it, would have anything to do with a suit in the Exchequer, because it removed him from the court in which his practice lay. It, therefore, happened, that solicitors were content to take less fees, rather than go into the Court of Exchequer, and have an immediate decision of their cause. This was an objection applying to the court itself, and not to any particular judges, for he had known distinguished equity men at the head of the Court of Exchequer, when the same reluctance was manifested by equity practitioners to go to that court. There was one branch of practice which had hitherto brought many suitors to the Court of Exchequer—he alluded to tithe suits; but their Lordships were aware of the probability, nay, the certainty, of those suits ceasing to exist. While the Court of Exchequer had failed in gaining the good will of the public as a court of equity, it was on the other hand amply compensated for that failure by the opinion it had established for itself as a court of common law, and he believed it had now more business in actions between individuals than any other court. It was a most thriving and useful court for business in common law—it was useless as a court of equity. The Chief Baron had to sit at *nisi prius*, he might be called on to attend the judicial committee of the Privy Council, and he had many other important duties to perform. It was therefore a matter of uncertainty to the suitors in that court who would be the judge in equity, and this uncertainty was far from being satisfactory to them. The only remedy he had heard suggested for this state of things in the Court of Exchequer was the appointment of another judge, that was to say, a sixth judge in that court, who should exclusively devote his attention to the business of equity. This arrangement would answer no purpose. If there was not equity business enough in that court for a judge, or half a judge, singly, why appoint another judge, who would have little or nothing to do? The Court of Exchequer had only 1-13th part of the equity business of the Court of Chancery. But it was argued, that if an exclusively equity judge were appointed in the Court of Exchequer, the public would then be drawn to that court, as the practice was more profitable to solicitors. This might be the case, if there were no other inconveniences connected with the equity practice of the Exchequer; but there was another great inconvenience, which could only be remedied in the way he proposed. There was no appeal from the Court of Exchequer except to the House of Lords. Now, it would be perfectly ridiculous to appeal to that House upon an erroneous decision with respect to interlocutory applications. In the Court of Chancery, however, such matters would come before the Chancellor, and then the application might be reheard. It very frequently happened that these erroneous decisions resulted from the circumstance of the parties themselves not having understood and properly stated their own case, and in the Court of Chancery the rehearing enabled them to correct their own errors. He had seen it suggested in print that this evil, as connected with the Court of Exchequer, might be removed by allowing an appeal from an individual judge of that court to the Lord Chancellor. This was an extravagant proposition; for the courts were entirely distinct, and the Court of Chancery had no superiority or jurisdiction over the Exchequer Court of Equity. But if the proposition were adopted, the Court of Exchequer would be to all intents and purposes a part of the Court of Chancery, except in name. Why, then, should the title of "baron" be preserved, if he was in fact transformed into a Vice-Chancellor? But this was not all. As noble Lords might imagine, the establishment necessary for the administration of a distinct branch of law—that of equity—required a great number of officers, a complete staff indeed, whether the suits were numerous or few. Their Lordships would be surprised at the expense of such an establishment, for the Court of Exchequer, having an additional Baron exclusively confined to equity, as compared with the business to be transacted. Whatever merits the Court of Chancery might have, it was never supposed to be a particularly cheap court, but its cost would be as nothing compared with that of the Equity Exchequer, taking into account the business done. From the best information he had been able to get, he believed that the expense of the establishment of the equity part of the Exchequer was not less than 18,000*l.*, which was at a rate, considering the work done, as if the Court of Chancery cost about a quarter of a million. Taking the number of cases in Chancery, and dividing them among the different masters, it appeared that there was one master to every 120 cases; while, according to the present state of the Court of Exchequer, there was one master to every fifty-eight cases. It was obvious that such a system led to great and useless expense. What, then, was his proposition in the present bill? To abolish the equity side of the Exchequer altogether, to transfer its equity business to the Court of Chancery, and leave the Court of Exchequer to the discharge of those functions which it had shown itself so well capable of performing. This scheme would add 100 cases to the 1,200 or 1,300 already in the Court of Chancery, but it would at the same time afford the means of getting rid of many offices in the Exchequer, which existed only for the purpose of administering that portion of equity business which found its way to that court. Some of the officers who might be made available, would be transferred to the Chancery, but the number of these compared with those got rid of, was trifling. Compensation would, of course, be afforded to the officers whom it might not be thought necessary to retain. Another subject to which he would call the attention of the House, related to the important duties of the Judicial Committee of the Privy Council. A great addition had of late years been made to the duties imposed on the Privy Council, owing to the appeals from the Admiralty and Vice-Admiralty Courts abroad, and from the colonies, in which a variety of laws was administered. The inconvenience felt in the discharge of these duties by the Privy Council had led to the passing of a bill establishing a Judicial Committee of that body, and as far as the decisions in individual cases went, the result had been most satisfactory. But the judicial officers appointed members of that committee, such as the Chief Justice of the Court of Queen's Bench for instance, had other important duties to perform, which they could not neglect, and therefore they could not always attend the committee. To remedy this inconvenience, it had been proposed to appoint certain of the puisne judges, members of the committee, but he thought this a system which their Lordships would not approve of, for he did not think it right that any individual puisne judges should be selected from among their brethren, and distinguished by being made members of the Privy Council. It was then suggested that all the puisne judges should be made Privy Councillors, but such a plan was objectionable, as it would throw new obligations on those high functionaries. When the Judicial Committee was appointed, it did not seem to have been at first suggested as an inconvenience that no head was appointed to the Committee; but this inconvenience seemed to have been early felt, for in 1834, a bill was introduced, authorising the Crown to appoint a head to the Judicial Committee. The noble and learned Lord who introduced the bill, proposed that the Lord Chancellor, and the Chief Justice of the Queen's Bench, should be Vice-Presidents of the Judicial Committee, the Lord-President being, of course, officially president. That bill never came to a second reading. The evil, then, of the want of a head to the Judicial Committee still continued. He had endeavoured to remedy that defect, and the mode in which he proposed to do so was, to put at the head of that Court the Master of the Rolls, who had for fifty years before the establishment of the Judicial Committee, been in the habit of presiding in the Privy Council. When the Judicial Committee was appointed, that high officer had withdrawn his attendance; but there was no reason why it should not be restored. He looked to him as the natural head of that court. It was necessary they should have the highest judicial officer who could afford time to attend to its duties; for the questions which came before that Court were most important, embracing as they did the decisions of the ecclesiastical courts, and Vice-Admiralty Court abroad, involving points of common law as well as equity, and requiring a knowledge of colonial, Spanish, Dutch, and East Indian law. It was, therefore, not only requisite that the individual should always preside, but that his acquirements and standing should be such as to give the profession, and the public, confidence in his decisions. He confessed he had come, with much reluctance, to the determination of proposing the Master of the Rolls for the performance of this duty, because he must thereby deprive the Court of Chancery of a certain portion of his services. But that was an inconvenience which he, and the public, would be obliged to put up with, unless his noble and learned Friend could devise some means of obviating it. If not, the Master of the Rolls, a chief baron, or a judicial officer, placed in one of the highest situations of the country, must be appointed, in order to give effect to his decisions; and it appeared to him that it would be more easy to supply the loss which would be sustained by the Court of Chancery, by the absence of the Master of the Rolls for a certain number of days in the year, than of the judge of any other court; because there would be no difficulty in distributing the increase of equity business which might arise from the absence of the Master of the Rolls among the present and additional judges of that court, so that at least no delay would be occasioned thereby to the suitors. He therefore proposed that the Master of the Rolls should be the vice-president of the Judicial Committee to attend in all cases the sittings of that court, with power given to the Crown, in case of his necessary absence, to appoint another vice-president in his stead. In order to facilitate the administration of justice in the Judicial Committee, he was anxious, as occasion might require, that the assistance of some of the learned judges should be had, not as members, but merely to give their advice as they did to their Lordships when occasion might call for it. He thought that would be convenient; it would not often be necessary, for questions of common law were not so frequent before the Privy Council as matters of equity; at the same time, though he proposed this, it formed no essential part of the measure. He had now stated the details of his plan with respect to the equity jurisdiction of the Exchequer, the Privy Council, and the exigencies of the Court of Chancery, which, under the proposed scheme, would lose the assistance of one of its judges for a certain portion—say fifty days in the year; and taking into consideration the additional business which would be imported into that court from the Exchequer, to the extent, perhaps, of other fifty days, there would be the business of 100 days added to the Court of Chancery. From the best calculations he had been able to make, one additional judge, independent of this arrangement, would not be adequate to the business of that court, but he believed that two, with the arrangements he had explained, would enable the Court of Chancery to get through, provided there was no very great increase of business. He entertained, however, an opinion, that even that number of judges would be found inadequate, for this reason—that when suitors had a prompt adjudication of their causes, the increase of business, he should say the increase of justice, administered to those who required it, would be great indeed. In proposing the present plan, he wished to guard himself against the supposition, that he considered it all that was necessary. He thought it all that should be done now, because he believed it was sufficient to remedy one great and acknowledged evil. He left the appellate jurisdiction untouched. There were other matters, too, connected with the interior jurisdiction of he Court of Chancery which required revision even after giving it greater judicial strength. He was perfectly satisfied, that on many points, when duly investigated, their Lordships would be of opinion, that material improvements might be introduced by diminishing expense and delay before the cause came to a final decision. But these would be matters, should their Lordships sanction this bill, for future consideration. There was one part of the case which he was sure their Lordships would hear with satisfaction—that although a large addition of officers was proposed to be made to the Court of Chancery, its own funds were amply sufficient to carry the plan into effect, both with respect to the new judges and compensation to the officers of the Exchequer, without expense to the public. He, therefore, begged leave to move, that the bill be now read a second time.

Lord *Lyndhurst* rose for the purpose of seconding the motion of his noble and learned Friend. The state of the Court of Chancery had been so frequently under discussion in that House, and the general nature of the facts was so well understood, and in truth so accurately and fully stated by his noble and learned Friend, that it would not be necessary for him to trespass for any length upon their Lordships' time, particularly as he had stated that it was his intention to vote for the second reading of this bill. The evil to which his noble and learned Friend had alluded was by no means of modern origin. The arrear in the Court of Chancery had existed for a very long period of time. It was almost coeval with the existence of that court; it was complained of over and over again even in that golden era to which his noble and learned Friend had referred—the time of Lord Hardwicke. It was now, he believed, as great as ever it was on any former occasion, which he did not ascribe as matter of reproach to the learned judges of that court, because he was sure that men of more industry, more perseverance, more activity, and more accurate knowledge in their profession, could not be placed in their situations. It arose from the overwhelming business of the court, with which its strength was wholly incompetent to cope. His noble and learned Friend had alluded to the manner in which this operated, and to which he himself had taken the liberty of calling their Lordships' attention on more than one occasion. It operated with a species of compound force. It was not in a court of equity as in a court of common law. If the decision of a case in a court of common law were postponed, it would be at length heard and decided, and then there was an end of it; but, as his noble and learned Friend had accurately stated, the case in equity, before being finally disposed of, generally came repeatedly before the court, and every interval therefore between the time of setting down the cause for hearing and the time when it was actually heard, must be multiplied by the times it so came before the court, so that the evil was increased in an accumulated ratio. He had always felt that this was a great and intolerable grievance—it was an opprobrium to the country. No person who had not been connected with a court of equity, or the suitors of that court, could possibly form any conception of the extent of misery it produced to individuals and to entire families; it would be a disgrace to the Parliament of this country if it did not take effectual measures to put an end to such a state of things. If Parliament were willing to do so, it would be a disgrace to the Government of the country not to co-operate with Parliament for that purpose. Therefore, he most cordially supported the second reading of this bill. He hoped he should be allowed to say, that he took satisfaction and pride to himself, because he had, ever since he was connected with the Court of Chancery done everything in his power to remedy the evils complained of. He had, on two or three occasions, brought forward bills corresponding in principle with that which had been introduced by his noble and learned Friend on the Woolsack. In the result, they were unsatisfactory; and he trusted their Lordships would allow him to say a few words with respect to the history of those proceedings, because they connected themselves with the course he was taking on the present occasion. Their Lordships would recollect that a commission was appointed to inquire into the condition of the Court of Chancery for the purpose of facilitating the progress of its proceedings. That commission was composed of the most intelligent and enlightened men conversant with the proceedings of the Court of Chancery. They made heir report and suggested many improvements, and when he had the honour of filling the situation now so well filled by his noble and learned Friend on the Woolsack, he drew up in conjunction with his colleagues, the late Master of the Rolls and the present Vice-Chancellor, a series of orders founded on that report; his noble and learned Friend who succeeded him continued those orders; he believed everything recommended by that commission was carried into effect, the object being to expedite and facilitate the proceedings in courts of equity. The misfortune, however, of that commission was, that they applied themselves only to the course of the proceedings up to the time of the hearing. He had repeatedly stated in the other House of Parliament, and also before their Lordships, that what was done when that commission was appointed, was only one step towards those measures which he thought necessary for the purpose of getting rid of the grievance which he believed existed in the Court of Chancery; and in pursuance of that system he had brought in bills which passed their Lordships' House, he believed with entire approbation, he believed without any division, which went to the other House of Parliament, and were there received certainly not with much favour; indeed, were it not for the respect he owed to that very enlightened assembly, he should say they were received not without something like clamour, and party prejudice, and passion. It was stated, in opposition to those bills, that they were wholly unnecessary; that the effect of them would be to render the situation of the Keeper of the Great Seal a sinecure; it was insinuated that such was the object with which they had been introduced, and the result was, the bills were lost. He had never, from that time, abandoned the views he entertained upon this subject, and everything that had since occurred in the Court of Chancery, every subsequent discussion in that House, had tended to confirm him in those opinions. All the facts now so well stated by his noble and learned Friend were known at that time; but in the face of those facts the bills had been rejected in the manner he had stated. If it was admitted, and no man could deny that there was more business standing in the Court of Chancery than could be disposed of by the judges of that court—if it was hardly an exaggeration to make use of the saying of the present Vice-Chancellor, that three angels would scarcely be competent to the business, what was the simple remedy to be adopted in such a case as in any other business or proceeding in life? If the present judges were not competent to the work, we must have a fourth, and if a fourth was not enough, we must have a fifth. No other course consistently with common sense could be adopted; he should, therefore, be acting inconsistently with himself, and deserting the duty he owed to the suitors of that court over which he had formerly presided, as well as his duty to their Lordships, and to the public, if he did not give to the principle of the bill introduced by his noble and learned Friend his most warm and cordial support. He knew it had been thrown out as an objection to bills of this description, that the number of appeals would be increased, and that it was idle to provide for the hearing of causes without providing also for the hearing of the additional appeals which must arise if the measure were carried into effect. Even admitting that the appeals would be increased, he could by no means admit the validity of the argument. Not more than one decision in fifty became the subject of appeal; was it nothing, then, that the forty-nine causes should be decided? If there was not sufficient force to dispose of the cause on appeal, still it was ridiculous to use that as an argument against the present measure. But the fact was not so. There was no arrear of appeals; and when the present arrear of causes was worked off by the assistance given by the new judge or judges, the number of appeals would not be so great that his noble and learned Friend would be unable to keep them under as he anticipated, otherwise they must come to Parliament to provide a remedy. Why should they, however, in anticipation of an evil which might not arise expose the public to a considerable expense, provide a remedy? They should rather wait till the evil displayed itself; then they would be enabled to appreciate its extent, and devise an adequate remedy. It was, therefore, though often urged, no argument against the measure of his noble and learned Friend to say that there was no provision for hearing the additional appeals which would be created by the bill. Others, and among them men of great distinction and eminence, said they would not support a partial measure of this description; that there must be a general reformation and review of the whole court; that the appellate judicatory of their Lordships must be reformed or abolished; that a wide and general measure of that kind must be brought into Parliament and carried into effect. All this was idle and chimerical. He had heard many complaints made of the appellate jurisdiction of their Lordships and other tribunals, but he never heard any two individuals agree in a precise remedy; to wait, therefore, for a concurrence of opinion on measures of this kind, instead of providing a practical remedy for a great practical evil, would be doing a great injustice to the country. Here was a great practical evil, and a practical remedy pointed out which would be effective for the object. Consistently, therefore, with common sense and the principles of common justice, they could not oppose this measure. So much as to the principle and the second reading of the bill. There were, however, points of great importance which would be the subject of consideration and inquiry in the committee. The plan of his noble and learned Friend involved three subjects; first of all, the Court of Chancery, the means of providing for the arrears of that court, and the extent of assistance requisite; in the next place he proposed to abolish the equitable jurisdiction of the Court of Exchequer; and thirdly, he proposed some reforms and amendments in the Judicial Committee of the Privy Council. On each of these in their order he would say a very few words. His noble and learned Friend said, that for the business of the Court of Chancery the assistance of two new judges would be necessary. He did not deny it; it was possible; but that would be a matter for consideration and inquiry in the committee, and was no objection to the second reading. He would only make one or two observations for the purpose of directing his noble and learned Friend's attention to those points he was most desirous of having reconsidered. His noble and learned Friend who succeeded him on the Woolsack, by almost incredible exertions, wiped off the whole arrear of appeals which had been standing at about the same amount for a period of many years. He deserved the thanks of the country for those extraordinary efforts and exertions. Since that time there had been no arrear of appeals. That part of the case, therefore, required no consideration. Now, as to the state of the causes. He had looked at the returns, and he drew this conclusion from them—there was a great and heavy arrear — a stationary arrear — not a growing arrear. He remembered when he had the honour of occupying the office of his noble and learned Friend, in introducing one of those bills to which he had alluded, he directed his attention to the same subject, and he then stated in that House before their Lordships, that there was no growing arrear—that the arrear was stationary, or nearly so. What was the consequence? If once that arrear were wiped off, the present force of the court would be sufficient to prevent its accumulation. Now, what was the conclusion he drew from this? That the addition of one judge to the Court of Chancery—a man of eminence, a man of standing, of knowledge in his profession, and industry, would, in a year and a half, dispose of the whole of the existing arrear. That arrear consisted of from 500 to 600 causes. The late Master of the Rolls disposed of nearly 700 causes in one year. The present judges, then, it appeared, were sufficient to prevent the arrears from accumulating, and when by the appointment of one new judge, they were wiped off, there would be this judge, in addition to the present judges, to hear the new causes. Then the question was, whether a second additional judge was required. If the facts which he had stated were correct, was it necessary to have two new judges in the Court of Chancery? He did not call upon their Lordships to come at present to any conclusion upon this question, but he requested them and his noble and learned Friend to give it their serious attention. His noble and learned Friend had said, and he (Lord Lyndhurst) had often heard it said before, that if the court were opened, and if facility were given for hearing cases, there would be a very great increase of business in the Court of Chancery; that might be so, but it was a matter of pure speculation and conjecture, and when the increase took place, it would be time enough to provide for it by the appointment of a second new judge. But he repeated, this increase was at present merely speculative. In one of the chancery courts there were at present no arrears. He believed the number of causes standing for hearing in the Rolls' Court did not exceed 150, and his noble Friend who presided over that court was in the habit he believed of getting through 200 causes in the course of the year. There was, therefore, in this court ample room for the additional suitors whom it was supposed that additional facilities would call forth. Why did they not come into this court? It was not from any want of learning, intelligence, impartiality, or independence on the part of that learned judge. There was room for suitors to come in, but it did not appear that this circumstance had caused any increase in their number. The equity side of the Exchequer to which his noble and learned Friend had alluded was another instance; there was no arrear in that court; the suitors had not to wait there even as long as they had in the court to which he had just adverted, for in the Exchequer Equity Court a cause was heard in a few days after it was set down. Why then was there not a great increase of business in the Exchequer? Looking at these facts, he doubted whether the speculation of his noble and learned Friend as to the increase of business to be expected from the appointment of a new judge was well founded. He said he entertained a doubt, but at all events was a mere speculation or conjecture sufficient to warrant their proceeding at once to the appointment of two new judges in the Court of Chancery? He would now come to that part of the bill which proposed to abolish altogether the equity jurisdiction of the Court of Exchequer; that would be a proper subject for discussion in Committee, and it was one involving important considerations. He remembered that when he first sat upon the Woolsack, having less experience and more courage than he possessed at present, he had brought in a measure, which was not indeed a bill to abolish the equity jurisdiction of the Exchequer; but, having introduced his bill, he had stated that one of its objects was to abolish that jurisdiction. How was he met on that occasion? Why, Lord Eldon, who had sat upon the Woolsack twenty-five years, came down to the House and opposed the bill with the utmost warmth and earnestness. Besides meeting with the opposition of Lord Eldon, he (Lord Lyndhurst) had to encounter that of Lord Redesdale, a judge of very great experience and knowledge in his department of the law. The whole weight of authority not only of the equity courts, but also of the Chief Justice of the Court of King's Bench, was thrown into the scale against him (Lord Lyndhurst), and the opposition was of so formidable a character, and the weight of the authority opposed to him was so great, that he was obliged to renounce his design, and had never afterwards ventured to bring it forward again. He did not say, that he had changed his opinion, or that he now thought that he had been wrong upon that occasion, all he said was, that the subject was one which ought to be considered with great care, attention, and caution. The abolition of the equity side of the Exchequer did not appear to be a necessary part of a bill, the object of which was to give additional force to the Court of Chancery, while it might lead to many inconveniences. The business of the equity side of the Exchequer had been stated as consisting of from sixty to seventy causes in the year, or rather more than one-fourth of the business of the Rolls' Court; but, besides this regular business, there was a variety of summary applications of an important kind which required to be promptly disposed of, and which were referred expressly to the equity side of the Court of Exchequer on account of the prompt manner in which it was able to deal with them. Now, what would be the effect of transferring all this business to the Court of Chancery by a bill introduced for the purpose of getting rid of the arrears in that court? The provision certainly did not appear to be a necessary part of such a measure. He had heard it said that the equity jurisdiction of the Court of Exchequer was an incumbrance upon the common-law jurisdiction, and that the common-law side would work better if the equity jurisdiction were got rid of. This appeared to be a singular proposition, since, although a greater number of causes were entered in the Exchequer than in the other courts of law, there were arrears in both the other courts, and none on the common-law side of the Exchequer; so that the five judges of the Court of Exchequer were not only able to dispose of all the common-law business of the court, but they also disposed of, and, as he understood, well and satisfactorily, a considerable portion of equity business besides. He submitted, therefore, to their Lordships that these were reasons for pausing before they assented to this provision of the bill. But he was next told that the machinery of the equity side of the Exchequer was cumbrous, and that its practice did not correspond with the practice of the Court of Chancery, and that, therefore, solicitors were not disposed to bring their causes into this court. He could not consider this as a sufficient reason for abolishing the court altogether. The whole of the practice in the Court of Chancery had been remodelled within the last few years. Why should not the same thing take place with respect to the Court of Exchequer? When he was at the bar, the practice varied in each of the common-law courts; the course of proceeding in the Court of King's Bench was different from that in the Court of Common Pleas, and this again differed from the practice on the common-law side of the Exchequer; yet all these courses of proceeding had now been rendered uniform, and why should not the practice of the equity side of the Exchequer be made to correspond with that of the Court of Chancery? It was said that some called the Court of Chancery a grievance, and others a nuisance, on account of causes not being heard for three years after they were set down; and in order to apply a remedy to this grievance, it was proposed to abolish an equity court entirely free from the inconvenience and evils which were the subject of complaint. Would it not be dealing hardly with the present suitors in the Exchequer Court, whose causes were to be transferred by this bill to the Court of Chancery, and who had probably instituted their suits in the Exchequer for the purpose of insuring a prompt and speedy decision, to hand them over to a court where their causes might not be heard for three years to come? With regard to the appeals from the Court of Chancery and the equity side of the Exchequer, there appeared to be an advantage of no slight importance in favour of the latter, for when the appeal was made from the Court of Chancery, it was heard in that House before the very judge with whose decision the party appealing was dissatisfied. Now he (Lord Lyndhurst) did not mean to say that his noble and learned Friend would not be as ready to review his own decision as to review that of another judge, but, after all, the question was, what would be the feelings of parties themselves upon the subject? Now if the appeal were made from a decision of the Lord Chief Baron of the Exchequer, his judgment would be reviewed by another judge. Suppose any of their Lordships had a cause decided against him, however great might be the reliance which he might place upon the independence and integrity of the judge who had decided the cause, would he not rather have the judgment reviewed by another judge than the one with whose decision he was dissatisfied? That was one advantage of the equity jurisdiction of the Exchequer; but his noble and learned Friend had said, and said justly, that there was one great evil in the Exchequer, which was, that there was no remedy if a party were dissatisfied with the decision of the court upon a motion, except by appeal to their Lordships. But, in the first place, the motion might be reheard before the same judge; and, in the next place, the evil seemed to admit of an easy remedy without an appeal to the Court of Chancery. At present there were two equity judges in the Court of Exchequer; practically speaking, there were three, for he might reckon among them the learned Baron who lately filled the office of Solicitor General. Now, how easy would it be to give an appeal from the decision of one of those judges to one of the others, or to both; and was it not better for their Lordships to apply themselves to remedying the evil in that way, instead of abolishing the equity jurisdiction altogether? In Ireland the equity side of the Exchequer was for many years the favourite equity court; why should not the same take place in this country? He pronounced no positive opinion on this subject, it did not appear to be a necessary part of the bill, and would properly form matter of consideration in committee, but he felt it his duty to throw out these doubts, for he called them nothing more than doubts, and if they had been put rather in the form of arguments than of doubts, that was according to his habit, and he should go into committee with his mind completely unbiassed upon the question, whether the equity jurisdiction of the Exchequer should continue or not. The third portion of this bill related to the judicature of the Privy Council. Now, he agreed with his noble and learned Friend, that it was proper to appoint a permanent vice-president of the judicial committee, and he had over and over again so stated in his place in Parliament, and upon the same grounds as those mentioned by his noble and learned Friend. He had no doubt as to the propriety of the proposal; but then came the difficulty to which his noble and learned Friend had adverted. If personal qualifications were alone to be regarded, the difficulty would be at once removed, for there was no person whose learning, industry, and independent spirit better qualified him for the office than the noble Lord upon whom it would be conferred by the present bill. But this arrangement would be attended with great inconvenience, for the noble Lord must be taken out of his own court, which was at present the most regular of all the equity courts, having a judge who sat every day, besides having a regular bar of its own. Now, he was unwilling to see extended to the Rolls' Court the inconveniences which he had over and over again urged as reproaches against the Court of Chancery, both in their Lordships' House and in the other House of Parliament. It was constantly exclaimed against as a great inconvenience that the Lord Chancellor should be taken from his duties in the Court of Chancery to preside in their Lordships' House; every one felt the inconvenience, but the difficulty was to find a remedy for it. It was now proposed to introduce into the Rolls' Court the inconveniences which it had been found impossible to remedy in the Lord Chancellor's Court, and to transfer the same causes of complaint to a court in which justice was at present administered in the manner which he had just stated. Surely it was singular, that in the same bill which proposed to abolish the equity side of the Exchequer, because it sat for only half the usual time, a provision should be introduced for the purpose of reducing the Rolls' Court to the same state of incapacity which formed the ground of removing the equity jurisdiction from the Court of Exchequer. He submitted, therefore, to his noble and learned Friend, that the subject deserved the greatest consideration; he admitted that there must be a choice of evils, and it would be for their Lordships to consider, when the bill was in committee, which was the greater—the appointment of a permanent judge to preside over a tribunal which only sat for fifty days in the year, or the interference with the administration of justice in the Court of Chancery which would arise from interrupting the sittings of the Rolls' Court. His noble and learned Friend had used one argument which seemed a little fallacious, when he stated that the Master of the Rolls had for fifty years presided by custom over the Privy Council. He admitted that the fact was as stated by his noble and learned Friend, but at that period it produced no inconvenience whatever, because the Master of the Rolls sat in his own court in the evening from six o'clock till ten. At that time the Master only sat in the morning for a very short period in the year, and therefore his attendance at the Privy Council did not interfere with his sittings in the Rolls' Court. The precedent consequently had no application to the present time when the sittings only took place in the morning. There was another part of the bill upon which he should say but little at present, as his noble and learned Friend seemed not indisposed to abandon it—it was that which enabled the Privy Council to call the judges to its assistance. Now, such a provision did not appear to treat the judges with sufficient respect. By long custom and ancient usage, the judges were in the habit of attending their Lordships and of answering such questions of law as their Lordships thought proper to submit to them; but for the judges to attend the Vice President of the Privy Council at his disposition, appeared to be a little inconsistent with the rank and station which those learned personages held in this country. But not only was such a provision inconsistent with the station of the judges, it was also irreconcileable with the very constitution of the Privy Council itself, according to which no one could join in the Privy Council who was not himself a member of the Council. There was this other objection to it, that some of the subjects on which the Privy Council would have to decide might be political cases, in which the Ministers for the time being might have a deep interest. Now, this bill would give to the Government the power of selecting those judges to sit with the Privy Council, who might be considered most convenient for the purpose of Ministers. That would be inconsistent with equity and with justice. He was not imputing or supposing anything with respect to the party now in power, but it was a principle which ought not to be allowed to be established. That constitutional jealousy with which their Lordships ought to be impressed, should make them careful how they established a principle which might lead to the most serious abuses in the administration of justice. He had thrown out these observations, not for the sake of opposing the bill, but for the consideration of his noble and learned Friend. He had before said, that with respect to that part of the bill which related to the Court of Exchequer, when it went into Committee he should enter upon the consideration of it free and unbiassed, and their Lordships would then have opportunity of fully considering, whether the alteration that was suggested was such as should be made. He considered the great principle of this bill to be this. There was a standing arrear of causes in the Court of Chancery to be disposed of. It was not an arrear of to-day, or of yesterday, but had been existing for ages, for at least 100 years; he could himself trace it back through a period of 50 years. That state of things was grievous, and must be got rid of. The principle of this bill was to appoint additional judges to get rid of that evil. The other parts of the bill were only subsidiary to it, and might be adopted or not. If rejected, they would not impair the principle of the measure. He, therefore, would agree to the second reading of the bill, keeping his mind perfectly free and unbiassed as to the consideration in the Committee of the various points to which he had directed their Lordships' attention; those points were as to the number of additional judges, the abolition of the jurisdiction of the equity side of the Exchequer, and the amendment of the constitution of the Judicial Committee of the Privy Council.

Lord *Abinger* conceived the great principle of this bill to be the improvement of the administration of justice in the Court of Chancery, and that their Lordships might therefore with propriety agree to the second reading of it. The first intimation which he had received of its existence was a printed copy of it, which his learned Friend on the woolsack had conveyed to him. He had heard some vague rumours of it before, but, as they came from no authority, he did not pay much attention to them. He was much surprised, however, to find afterwards, on coming down to the House, that the bill had been laid on their Lordships' table. It was not his intention, after the very able and distinct manner in which his noble and learned Friend who had just sat down had, as he thought, commented on the arguments of the noble Lord on the woolsack, to trouble their Lordships with many observations. With respect to the business of the Court of Exchequer, it was true that since the act for the commutation of tithes had passed, there had not been a single suit on that subject in the court; but if that kind of suit was altogther abstracted from the calculation, he thought there had of late been rather an increase than a diminution in the business. There were many petitions presented to that court for paying over money to parties in various cases, which were more in the nature of suits than mere petitions. Now, in the last year, when the noble Lord had stated the number of causes on the equity side of the Exchequer was only 102, there were no less than 433 petitions of the sort he had just mentioned, and yet there was no arrear. But if the equity business were to be transferred to the Court of Chancery, not only would that court have all the suits now in the Court of Exchequer, but also all the petitions which were in the nature of suits. If his noble and learned Friend had attended more to the defects in the Court of Chancery, he thought he could have presented a much more disgusting picture as to the accumulation of business than by referring only to the defects of the Court of Exchequer. Now with respect to costs. The difference in the costs of the two courts was very great; but the reason was this—that in the 3rd and 4th year of the reign of his late Majesty, a bill passed this House which reduced the fees of the officers of the Court of Chancery, but the same thing not having been done as to the Court of Exchequer, the expense there was much greater. But nothing was more simple than to reduce these costs. It was said that solicitors would not go to the equity Court of Exchequer; but he did not think that was the case, and he considered that if that court were abolished, it would be one of the greatest injuries to the public that could be inflicted. He found that the class of suitors who now came to the Exchequer, consisted of those who could not afford to pay the expense of the Court of Chancery arising from delay. If the property were very rich, if the funds were large, the suit found its way into the

Court of Chancery, and there it might be for a very considerable time. But if a man wished the matter to be decided immediately, and if the property were not very great, the Court of Exchequer was chosen. He might mention an illustration of this which came within his own knowledge. Lately a bill was filed in the Court of Exchequer by a trustee for the due administration of his testator's estate. On a motion, however, that was made to the court, it was discovered that a bill had already been filed in the Court of Chancery. He then said he should not decide upon it, but refer it to the tribunal it was first taken to. But the argument made use of for not going to the Court of Chancery was, that the suitor would be detained there five years, whilst, if he would hear it, it would be settled in five hours. If, then, the Equity Court of Exchequer were abolished, they would take away from suitors of a certain class a court in which they now found refuge, and those suitors would become clients to solicitors who wished their causes to last a long time. The delay which occurred in the Court of Chancery was, as he believed, one reason for many bills being filed there. Many years ago he knew a bill filed by a gentleman against his father-in-law, for not settling property according to the agreement before the marriage; and the answer of the father-in-law was, that he had settled on the plaintiff three suits in Chancery, which ought to last his lifetime. Why, the term fees alone, in consequence of the arrears of business in that court, amounted, he believed, to as much as 20,000*l.* a-year. But he would submit to their Lordships that it would be better to improve the Court of Exchequer than to abolish it. He had no interest in the subject in that respect; on the contrary, if the court were abolished, he should be relieved from a great part of his labours; but he was satisfied that such a step could by no means be beneficial to the public. If the noble Lord on the woolsack could show that he could get through all the business now in the Court of Chancery, then perhaps the equity side of the Exchequer might be abolished; but unless that could be shown, let not the court be abolished, merely because the costs were great, and there were some few other objections to it. The better course would be to lessen the costs of the court and correct its other defects. He wished to make one observation on another part of the bill. The Master of the Rolls was now of very essential importance to the Lord Chancellor: he assisted him in a great number of cases; and he would throw it out for the consideration of his noble and learned friend on the woolsack, whether, instead of making the Master of the Rolls vice-president of the Privy Council, it would not be a much wiser and more efficient course to appoint his own Vice-Chancellor to that office. He should not trouble their Lordships with any further remarks, except that he should oppose with his utmost force the abolition of the equity side of the Exchequer.

Lord *Wynford* said, that the evil to be corrected with respect to the court of the Privy Council was this—that there was no fixed time for assembling, and that it never sat a sufficient time to do its duty. What was wanted was not so much a vice-president of the court, as members to attend it. As to the abolition of the Equity Court of Exchequer, he thought it would not contribute to relieve the Court of Chancery, and that transferring the business to that court would be attended with great confusion. There might, too, be numbers of persons to be pensioned off, to the amount of many thousands a year. He had also another objection to transferring the equity business to the Court of Chancery. There was some equity business that must remain with the Court of Exchequer; that was the business relating to the revenue. That branch, however, was so small, that if the court had no other equity business but that, they would not be so well fitted to attend it. Many changes had already been made without any great advantage, and he thought it would be a good rule, where it was uncertain that a change might effect any good, to be careful how any change was made. In this case he did not see what good would be done by transferring the equity business of the Court of Exchequer to the Court of Chancery; and if it did no good, it must necessarily do evil. He would, however, consent to the bill being read a second time, but in the committee he would state his reasons for not agreeing to that part of the measure.

Lord *Langdale* said, that as the second reading of this bill was not opposed, he would not occupy much of their Lordships' time; but there were some parts of the Bill on which it might appear right that he should address some observations to their Lordships. In this case it was no longer a question, whether additional assistance was or was not required in the Court of Chancery. Every one agreed that it was; but the mode of giving it required consideration. When he entered the House to-night, and was informed that his noble and learned Friend opposite had expressed his intention to support the second reading of the bill, he must confess he felt very great satisfaction; but it was needless to say, that after his noble and learned Friend had expressed that intention, it was impossible for any friend of the bill to hear his objections stated one after another in his clear and forcible manner, without feeling deep disappointment. That disappointment, however, was somewhat alleviated, when he found that his noble and learned Friend said that his objections were stated rather as points for consideration, than as opposing the bill, and that he should enter into the discussion in the Committee free from any bias whatever. Let that be so, and he should have no doubt of the issue of the bill. There were many parts of it upon which he would not take up their Lordships' time, but it was right he should state his reasons why he supported one part which might be supposed to have some relation to him individually, or to the office he filled. He had formerly stated to their Lordships his views as to what ought to be done in the Court of Chancery, and which required much more than was now proposed. His opinions on the subject had undergone no alteration, and he was prepared to support them by reasons which he thought sufficient. Amongst other things, he thought, that under proper arrangements, and by the addition of appropriate strength, the House ought to be enabled to dispose of all the appellate judicial business of the country; and that the appellate business of the Privy Council ought then to be transferred to this House. That had been and still was his opinion, and he should be very glad to see it acted upon—but he was obliged to admit, that neither the House nor the country was yet prepared for a change so considerable; and, therefore, he was compelled to consider it as settled, for the present at least, that there must be a separate appellate jurisdiction in the Privy Council; and this being so, the question was, how the inconveniences arising from the present arrangements could best be remedied. Now, the judicial business of the Privy Council was said to occupy about forty or fifty days in the year. To have that business performed, it was necessary to have judges whose duty it should be to perform it—not judges who might go or not at their pleasure, but judges whose duties it should be to go when required, and that with such regularity, that the business might be steadily conducted. To attain these ends, it was necessary either to appoint judges who should have nothing else to do, or to borrow judges who had duties in other courts. To appoint judges who had nothing else to do, would be to give rise to all the inconveniences which had occurred on another occasion from the appointment of judges who had not sufficient occupation, and would be, for many reasons, so objectionable, that in this place, at least, the project was scarcely worth consideration. To borrow judges from other courts, which was the alternative, must undoubtedly be a considerable inconvenience. It was the abstraction of so much time, say a fourth, or nearly a fourth part of all the time, which ought to be devoted to the peculiar business of the courts from which the judges were taken. This was, no doubt, a very great inconvenience; but it was unavoidable so long as it was determined to preserve the jurisdiction of the Privy Council as a separate jurisdiction; and the question then became, from what court the principal judge could be most conveniently borrowed? The regularity of proceeding required that there should be a permanent head. [Lord *Lyndhurst:* There is the President of the Council.] There was so; but it had long ago been considered whether any great political officers formerly exercising judicial functions could be employed as judges now; and he took it for granted that neither his noble and learned Friend, nor any other noble Lord, would deem it expedient to place the President of the Council, or the Lord Privy Seal, or the Chancellor of the Duchy of Lancaster, at the head of a judicial tribunal with active judicial duties to perform. Surely it was not proposed to make them judges, or to place judges in their offices. It was therefore necessary for the present purpose to borrow judges from the other courts; and the question now was, from what court you could most conveniently take a head for the judicial committee. And when he was asked by his noble and learned Friend on the Woolsack, whether he could consent to the present proposal as connected with a plan for increasing the strength of the

Court of Chancery, he set aside all personal considerations whatever, and after the best attention which he could give to the subject, he thought it his duty to consent to the proposal—and he would state his reasons. First, a regular head was required for the judicial committee of the Privy Council. Secondly, the Master of the Rolls had for a long time usually presided in the transaction of such business. No doubt, as had been said, when he did so his time was much less occupied in the business of his own court than it was now. Except for a few days after each term, he sat in the evening only, and for only twelve hours a week in term time, and sixteen hours a week out of term—while now he sat regularly in the morning, and for thirty hours a week, and sometimes more, both in term time and out of term. Still, however, as this duty had formerly devolved on the Master of the Rolls, there was a better prospect of acquiescence than if an officer who had never had this duty imposed upon him were selected; and if, as this measure proposes, sufficient additional strength be given to the Court of Chancery, the inconvenience to the suitors of that court would be prevented. Thirdly, it was impossible that the judicial business of the Privy Council could be well conducted without the attendance of a regular bar—and it had appeared to him that there was no mode of proceeding so likely to procure the attendance of a regular bar as that of making it the duty of the Master of the Rolls to be there. The bar who usually attended upon him in his own court were men of distinguished ability and reputation, and being released from the Rolls' Court on the days on which the Master of the Rolls would be attending on the Privy Council, they would, in all probability, be resorted to by the suitors in the Privy Council. And, whilst his noble and learned Friend considered that the regularity with which the business of the Rolls' Court was conducted afforded a reason for not disturbing it, he saw no reason why, with the assistance of the same bar, the same regularity should not be continued at the Rolls, and, at the same time, be extended to the Privy Council; and he confessed he saw no other way in which the same regularity could be obtained. He believed, that if the Master of the Rolls attended at the Privy Council the assistance of an able, intelligent, and experienced bar would be obtained at the Privy Council, and he considered this a matter of the highest importance. Such, then, were his reasons for assenting to this measure. His noble and learned Friend opposite (Lord Wynford) had been pleased to say, that he would willingly accede to any measure that was agreeable to him. Upon this he begged leave to observe that this measure was not personally agreeable to him. If any one supposed so, he committed a great mistake. The measure, if carried into effect, would impose upon him great additional trouble and responsibility; and he could very sincerely say, that if he consulted his own feelings, he would much rather remain as he was. His only wish was faithfully to discharge his accustomed duties; and if he might be permitted to allude to such a subject, he would add, that long habit had attached even his affections to the discharge of his duties in the place and office in which he now was. The proposed change did not suit him personally; but he agreed to it, because he thought, that under the circumstances, the public service required it.

The *Lord Chancellor* observed, that his noble and learned Friend (Lord Lyndhurst) had, in the year 1829, proposed to transfer the equity business of the Court of Exchequer to the Court of Chancery, and it had also been proposed, by the same noble and learned Lord, in 1836, to add another judge to the Court of Chancery, and impose upon him the duties connected with the Privy Council; and now his noble and learned Friend met him by saying that he had not done justice to the Court of Exchequer, for that of late there had been a great increase of business in that court, owing to the quantity of property with which the Court of Exchequer had to deal under a variety of local acts. He had said nothing more than that which he was willing to repeat—that no one would go to that court who was not compelled.

Lord *Lyndhurst* admitted that he had proposed to make a transfer of the equity business of the Exchequer to the Court of Chancery, but upon that point he was opposed by Lord Eldon, Lord Redesdale, and Lord Tenterden, and he yielded to their authority. He stated that there was no growing arrear in the Court of Chancery; that he conceived one judge would be sufficient for speedily working off the existing arrear, and that the balance of his time would be available for the business of the Privy Council, as the present judges of the Court of Chancery would be sufficient to prevent any fresh arrear from accruing.

Bill read a second time.

HOUSE OF COMMONS,

Monday, May 11, 1840.

RATING STOCK IN TRADE.] Sir *Robert Peel* had given notice of a question which he intended to put to the hon. and learned Gentleman, the Attorney-general, on a matter of very great importance, and which referred principally to an impost levied in this country of not less than seven millions a year. It appeared that the sum raised annually for poor-rates and county-rates might be taken at six millions, and the highway and other rates at 1,100,000*l.* a year; and, consequently, upon an average of three years, there had been seven millions raised yearly upon these imposts. The question he had to put was, upon what principle was that impost to be assessed? He thought that, in consequence of the conflicting decisions of the Court of Queen's Bench, and the almost known illegality of every rate that was made, Parliament ought not to separate without giving a practical answer to this question. At present, the utmost doubt arose as to the validity of any rate that might be imposed, and this would be proved by a short reference to the circular published by the Poor-law Commissioners. The Court of Queen's Bench had lately decided, that stock in trade ought to be rated, and the Poor-law Commissioners had given notice to the country that no rate would be valid, or, at least, that any rate which did not include stock in trade was liable to be appealed against; on the other hand, it appeared that it was almost impossible properly to rate stock in trade, [*cheers.*] He was glad to hear by those cheers, that the hon. Gentleman and his friends were aware of the importance of this question, and if the proposition he had laid down were granted, it followed as a necessity that there could be no validity in any rate. An official publication, a kind of circular, had been put forth by the Poor-law Commissioners, containing much useful instruction on many matters which were the subject of the law, and this circular was taken as the guide by the subordinate authorities relative to the mode of administering the law. In this circular it was stated, that on the 6th of March last, the Poor-law Commissioners gave notice, that since the decision of the Court of Queen's Bench, in the case of the Queen *v.* Lumsdaine, there remained no longer any doubt as to the liability of stock in trade to be rated, and that every rate might be successfully appealed against, if any inhabitant having productive stock in trade were not rated for it. The circular then proceeded to say, that a rate in respect of stock in trade could only be made upon such persons as were actually inhabitants, so that a large proportion of the property in every place, which belonged to persons who were not resident, was not liable to be rated. The Commissioners further stated, that it was not all the productive stock in trade which an inhabitant possessed that was liable to be rated. Suppose, then, the parish officers included the stock in trade of the resident inhabitants, what would be the consequence? It was only the clear liquidated surplus, after payment of all the owner's debts, that was liable; and it was decided in the case of Rex *v.* White, that personal property must not be rated at random, and that the overseers must be able to prove its exact amount. So that the parochial officers must find out the exact liability of the parties before they could enforce a rate. Besides, Lord Mansfield, in another case, laid it down, that personal property was only the surplus after paying the owner's debts, a proper sum for the maintenance of his family, and also other necessary expenses; and if a parish officer made a rate, not properly apportioning the sum after ascertaining these particulars, that rate was liable to be appealed against just as much as if the property had not been included at all. Such was the present state of the law with respect to an annual impost amounting to seven millions, and he thought that by this simple statement, he had clearly established the absolute necessity of preventing the confusion that must arise by a distinct declaration of the law. He would therefore ask, whether it were the intention of her Majesty's Government to recommend Parliament to interfere, and pass a measure to reconcile the conflicting decisions of the Court of Queen's Bench, and to satisfy the public mind upon the point, whether stock in trade ought to be rated?

The *Attorney General* said, that since the right hon. Baronet had given notice of his question, it had unfortunately happened, that he had not been able to consult with his noble Friend at the head of her Majesty's Government in that House, but he felt no difficulty in stating his own opinion, and explaining the advice which he would certainly give, and which he had no doubt would be followed. He thought that a bill ought to be introduced immediately to apply a remedy. There was no doubt that ever since the statute of the 43d Eliz. the stock in trade was liable to be rated, and that such stock in trade must belong to inhabitants who were resident. But such were the difficulties attending the assessment, that throughout almost all the parishes in England the rating had fallen into disuse. The law remained, however, as he had stated; lately there was an appeal against the rate, in which he had the honour to appear as counsel, and the court decided, as he had anticipated, that a rate omitting the stock in trade was bad. Such a state of the law ought not to continue, for it forced a most inquisitorial research into the private affairs of individuals, and his recommendation would be, either that a separate bill should be introduced, or that a clause should be inserted in some bill during its progress through the House, to make that custom which had prevailed by universal consent a part of the law, and to declare that stock in trade should not be rated to the poor rates, and, consequently, not to the county rate, or any other rate.

Ludlow—New Writ.] The Earl of Darlington having been called upon by the Speaker,

Mr. *E. J. Stanley* said, that as the noble Lord had not given any reply to a request he had made in the morning, he would repeat the request in his place in the House, and it was, whether the noble Lord would consent that his motion for a new writ for Ludlow should be fixed for Thursday, the same day as that already fixed for the discussion on the writ for the borough of Cambridge? He asked this of the noble Lord, thinking that he should thereby effect a saving of the time of the House, and he did so with the more confidence, because on Friday night the hon. Baronet, the Member for Sudbury, consulting the general feeling of the House, had consented to postpone his motion for the Cambridge writ till Thursday, in consequence of the necessary absence of his noble Friend, the Secretary for the Colonies. He had also another ground on which to urge his request, and it was, that when a motion was made for printing the minutes of evidence, and then that the writ should be suspended till the 1st of June, his noble Friend had opposed that motion, stating, at the same time, the full understanding, that no one should move for a new writ without giving ample notice; and under these circumstances, believing that no inconvenience would be suffered by any parties by a delay of three days, he thought it was not too much to ask of the noble Lord that he would postpone his motion till Thursday.

The Earl of *Darlington* said, that, after the forcible appeal which had been made to him, he would be sorry to do anything that might seem discourteous, especially if the feeling of the House should be that he ought to postpone his motion. Still he felt great difficulty in complying with the request, consistently with good faith towards the constituency of Ludlow, without assigning for the postponement any strong or even plausible reason. Now, the only reason which had been assigned by the hon. Gentleman was the absence of the noble Lord (Lord John Russell), and the answer which he gave to that was, that he had given full notice on Friday that he would move the writ that day; and if the noble Lord had wished to take part in the discussion, he would have communicated his wish by note, or privately, through the hon. Gentleman. But when the hon. Gentleman called he did not understand that he came from the noble Lord; on the contrary, when he asked whether, if he postponed his motion, the noble Lord would not oppose it, the hon. Gentleman replied, that he could say nothing upon that point, because since the late lamentable occurrence he had had little or no communication with the noble Lord. There was, therefore, no reason assigned for postponement, and with all due deference to the House, and not intending to be discourteous, he must persevere in his motion, unless by postponing it he should have the assurance that it would, on a future day, receive no opposition.

Mr. *E. J. Stanley* said, the noble Lord was labouring under a mistake. What he said was, that he was not aware whether the noble Lord would oppose the motion; but he knew that the noble Lord was anxious to be present at the discussion, for he knew that it was the intention of the noble Lord to propose some measure to check the alarming and extensive system of bribery and corruption which had been proved in the two present cases; and it would ill become the House, after the reports which had been presented—

Mr. *Goulburn* rose to order. He objected to a discussion on the main question.

The Earl of *Darlington* thought, that no hon. Member of the House could have a reasonable ground for thinking that they should any longer withhold the writ from that borough. It was but justice to the inhabitants of Ludlow—especially to that respectable class of the electors to whom no stigma or reproach could possibly attach—that the House should now restore to them that privilege of being represented by two Members of Parliament, which had been conferred on them by the constitution. The House must be aware, that in all ordinary cases of a vacancy in the representation of a place during the sittings of Parliament, it was in the power of any hon. Member, without notice, to move for a writ, and the motion being made, the writ was granted without objection. He would admit, however, that the present was an extraordinary occasion. A committee had been appointed to examine into the circumstances of the late election for Ludlow. The report declared the election void, and from the evidence given them, the committee deemed it necessary to make a special report. He had no fault to find with the committee; he had no doubt that they acted from a conviction that bribery and treating had been practised at the election. The consequence of the special report was the suspension of the writ until the evidence should have been placed in the hands of the Members of the House. That was now the case. The printed minutes had been in their hands long enough for the perusal of all those hon. Members who desired to make themselves masters of the subject. The evidence was certainly voluminous, but those who had not already gone, would not go through it, he was sure if the issuing of the writ were postponed until the end of the session. Now, no one was more ready to condemn the practice of bribery and treating at elections than he; but though the practice of those acts at Ludlow might have been proved sufficiently to warrant the drawing up of a special report, he contended there was not sufficient evidence of bribery or treating, or whatever it might be, to make the whole of the inhabitants of Ludlow pay the penalty that might have been incurred by the misconduct of a few. Generally speaking, very little bribery had been proved. As for treating, he did not think it was a great offence, in elections, to partake of refreshments when they were offered; it was upon the candidates who tempted them that the penalty of the misconduct should fall. From the circumstance of Ludlow being in that division of Shropshire which he had the honour to represent, he felt a deep interest in this question, and he was the more inclined to contend for the preservation of the rights and privileges of the borough, when he remembered the many strong remonstrances and heavy complaints that had reached him from several of the most respectable inhabitants. They complained that they had been deprived of their second representative for no less a period than two months. Now, this was really a very hard case; it was making the innocent suffer for the guilty, and he trusted such a course of injustice would no longer be permitted. With these sentiments, he moved that a new writ be issued for the borough of Ludlow.

Mr. *Warburton* moved, that the debate be adjourned until Thursday next. First, because the noble Lord who represented the Government in that House had intimated his intention of taking part in the debate, if it should be postponed until that day; and also, because when they should have occasion to contrast the performance of the Reform Bill with the anticipations of those who introduced the Reform Bill, it would be very inconvenient to point to those contradictions in the absence of the noble Lord, to whom they had frequently referred.

Mr. *Wakley* seconded the amendment. If that had not been moved he was prepared to move that the writ be suspended for six months. The noble Lord said, that nobody would condemn bribery and treating more severely than he; and then he said there was no bribery. Now, if the noble Lord had read the evidence, he must have seen that a more flagitious, a more infamous case of bribery and treating had never been exposed to that House. And if the House did not repudiate such proceedings, and mark their opinion of them by a severe decision, the character of the House would be for ever lost in the estimation of the public, and henceforward it must be supposed that the House, instead of objecting to bribery and treating at elections, was rather disposed to reward such conduct. It appeared upon the evidence, that parties at Ludlow openly sold their votes, at from 30*l.* to 50*l.* a-piece; and that in one instance, an agent was authorised to give 500*l.* for a vote.—He did not mean to condemn one side, for both sides seemed to have been equally engaged in those practices. But he considered it was the duty of the House to take care that the electors of Ludlow should not have another opportunity of disgracing themselves, by selling the most important rights of their countrymen.

Sir *R. Peel* said, it would be a very dangerous precedent to move the suspension of a writ. There was scarce a question of a public nature on which it had not been customary to postpone discussions on grounds similar to those stated by the hon. Secretary for the Treasury, when he applied for a delay on account of the absence of the noble Lord, the Secretary for Colonies; but the present was a peculiar question. It involved the right of a part of the constituent body to be represented by two Members in that House. If notice had been given of a motion for the purpose of inquiring into the state of the representation of Ludlow, and for having a distinct inquiry at bar, such as had already taken place, then there might be some ground for acceding to the suspension of the writ. But no such notice had been given. Here the printed evidence had been for several days in the hands of the Members of the House, everyone had had a full opportunity of reading, and no notice had been given of an intention of calling the attention of the House to it, until the application that was now made that the writ should not issue in the ordinary course. He doubted the policy of suspending the issue of the writ on the special ground of the absence of the noble Lord; for it was easy to see that if they established such a precedent now, the majority of the House might hereafter suspend the issue of writs for places in which they might apprehend returns unfavourable to their views. This would be a most fatal precedent, and most dangerous consequences would result from it. Now, the right hon. Gentleman had already asked and obtained a postponement of the issuing of the writ for Cambridge; but that was on the ground that the evidence had been on the table but a couple of days, and that Members had not had an opportunity of reading it. The right hon. Gentleman made this application on Friday, and the motion for the issue of the writ was postponed till Thursday. He then knew that the case of Ludlow was to be discussed this day, yet he said not a word about postponing it. The application for postponement was now made for the first time, but, however, great his respect for the noble Lord on whose behalf it was made, he (Sir R. Peel) must say that in this case the noble Lord should be considered only as an individual Member of the House. They had no notice of an attempt of this kind before. Was it their intention to suspend the writ until a new act should have passed? they might say that they did not intend to disfranchise Ludlow, but if it was not their intention to postpone the writ for an indefinite time, until the Commons had conferred with the Lords, and a new bill had passed, what was their object in applying for a suspension of the the writ to-day? The writ for Cambridge had been suspended until Thursday. Now upon that day the noble Lord the Secretary for the Colonies would have a full opportunity of stating his views respecting bribery and treating. The postponement of the writ for Ludlow would give him no additional facility to do this. If they were to consent to the issue of the writ for Ludlow on Thursday, they could give no satisfactory reason why they did not consent this day, for they would not be justified if on Thursday they admitted that the borough was entitled to its representative, by stating that they held back the writ for three days on account of the absence of the Minister.

Viscount *Palmerston* did not wish to commit the House to any of the principles alluded to by the right hon. Baronet. He would only ask the House to postpone the debate until Thursday, on the grounds on which the right hon. Gentleman appealed to the noble Lord, and upon which he thought the noble Lord would have acceded. He supported the motion for the adjournment on account of the desire the noble Lord, the Secretary for the Colonies, had expressed to be present at the discussion; and he thought there was nothing more in the request that had been made to the noble Lord than was warranted by the practice and courtesy of Parliament. They were not at a loss for precedents to support their application. They could show that a recent measure of great importance had been postponed, in order to enable some leading and distinguished Members of the House, who desired to be present, to attend, but who, at the time originally fixed, could not come to the House. Now, he thought his noble Friend, not only from his position as the acknowledged organ of Government, but also from the part he had taken in all matters connected with the representation in the House, was an individual who was fairly entitled to the courtesy of postponing the motion for three days, as was now requested. If a longer delay were asked for, he (Lord Palmerston) might admit that the ground of personal inconvenience would not constitute a sufficient claim. But as the report was only made on the 2nd of May, and as the postponement required was only for three days, so that the questions of the Cambridge and the Ludlow writs might come on on the same day, he trusted that the favour they asked would not be considered too much to be expected from the courtesy of the House, especially as in agreeing to it, they would not pledge themselves to any opinion on the case.

Mr. *Wynn* said, if this was a particular question on which the Government, as a Government, were desirous to give an opinion, he should feel called upon to adjourn the discussion until the noble Lord could attend, not on the ground of courtesy but of propriety. But what was this question? This was a judicial question. They were called upon to declare that the borough of Ludlow was entitled to a writ for a new member, unless the House should perceive strong reasons for altering the constituency and introducing a special measure with reference to it. He trusted that every hon. Member would feel it his duty, not only to that borough, but to the constituency of the empire at large, to vote that the writ should issue forthwith, unless urgent reasons for withholding it should be assigned. Did the noble Lord ask for a delay in order to state some objections to the issue of the writ? If the noble Lord meant to introduce a bill to alter the constituency of Ludlow, then there would be reasonable grounds for meeting his personal convenience; but it was too much to ask the House for a postponement to enable him to make some remarks, which he might make as well on the subject of the Cambridge writ. Now, they had no right to postpone an act of justice to a public body merely to enable the noble Lord to make a speech, or to come forward with a general measure for the prevention of bribery and corruption. He (Mr. *Wynn*) agreed with the hon. Baronet, that it would be a dangerous precedent if a majority of the House were to refuse to issue a writ on the ground that a reformed Parliament was about to prepare a new measure for the suppression of bribery and corruption. The like was done once in the time of the Rump Parliament. Numbers were expelled who were adverse to the majority; new writs were not issued, and the constituencies were not allowed to elect other representatives in their room. And what was done before, might, unless they were cautious, happen again. He remembered when, on a former occasion, a motion was made, that the issue of a writ be suspended for six months, the predecessor of the right hon. Gentleman in the chair, Lord Colchester said the issuing of a writ was a matter of right to the unrepresented constituency, and that, therefore, the shortest possible delay should be allowed. He hoped that principle would be observed on the present occasion. The only ground for refusing the writ would be the proof of such general corruption in the electors as to require that their constitution should be altered. If any gentleman meant to bring in a bill for that purpose, he should pay all attention to the arguments that might be adduced in support of it; but if such were not to be the case, they would be neglecting their duty, and committing an act of the greatest injustice, if they postponed the issuing of the writ for Ludlow any longer.

The House divided on the question that the debate be adjourned:—Ayes 215; Noes 226: Majority 11.

List of the AYES.

Abercromby, G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Lord
Archbold, R.
Bainbridge, E.
Bannerman, E.
Baring, rt. hn. F. T.
Barnard, E. G.

Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Busfeild, W.
Butler, Colonel
Byng, G.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. G.
Chapman, Sir M. L.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clements, Visct.
Collier, J.
Corbally, M. E.
Cowper, hon. W.
Craig, W. G.
Crompton, Sir S.
Currie, R.
Curry, Serjeant
Dalmeny, Lord
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E. T.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, D.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, E.
Ellice, E. jun.
Ellis, W.
Evans, G.
Feilden, J.
Ferguson, Sir R. A.
Ferguson, R.
Fitzalan, Lord
Fleetwood, Sir P.
Fort, J.
Gordon, R.
Grattan, J.
Greenaway, C.
Greig, D.
Grey, Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Handley, H.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
James, W.
Johnson, Gen.
Labouchere, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Lushington, C.
Lynch, A. H.
Macaulay, T. B.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Nagle, Sir R.
Noel, hon. C. G.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, F.
Palmerston, Lord
Parnell, Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Phillipps, Sir R.
Phillips, M.
Phillips, G. R.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A.
Ponsonby, hon. J.
Power, J.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seale, Sir J.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Standish, C.
Stanley, W. O.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thornely, T.
Troubridge, Sir E.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
Stanley, hon. E. J.

List of the NOES.

Acland, T. D.
A'Court, Captain
Adare, Lord
Alford, Lord
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Col.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Lord
Bassett, J.
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackburn, I.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bodkin, J. J.
Boldero, Captain
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir R. A.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J.
Campbell, Sir H.
Canning, Sir S.
Cartwright, W. R.
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clive, hon. R.
Cochrane, Sir T.
Codrington, C. W.
Cole, hon. A.
Colquhoun, J. C.
Conolly, E.

Cooper, E. J.
Coote, Sir C.
Copeland, Alderman
Corry, hon. H.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C.
Douro, Marquess of
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hn. W.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Foley, E.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Granby, Marquess of
Grimsditch, T.
Grimston, Lord
Grimston, hon. E.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. S.
Hardinge, Sir H.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T.
Herbert, hon. S.
Hillsborough, Lord
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'Court
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, T.
Lincoln, Earl of
Litton, E.
Long, W.
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Manners, Lord C.
Marsland, T.
Marton, G.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, C.
Neeld, Joseph
Neeld, J.
Nicholl, J.
Norreys, Lord
Packe, C. W.
Packington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Sir R.
Perceval, Colonel
Perceval, G. J.
Pigot, R.
Planta, rt. hon. J.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Lord
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Sir W.
Reid, Sir John
Richards, R.
Rose, Sir G.
Round, C.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thomas, Colonel
Thompson, Alderman
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Vivian, J. E.
Walsh, Sir J.
Wilbraham, hon. B.
Williams, R.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wynn, rt. hon. C.
Young, J.

TELLERS.
Clerk, Sir G.
Fremantle, Sir T.

On the question being again put, that the writ do issue,

Mr. *Wakley* rose to offer his decided opposition to such a course. Referring to the report of the committee, he must say, that if such practices as that report disclosed were passed over, the dearest rights of Englishmen would be at an end, and, in such a case, the representation of the people in that House was, and must be, at an end. It was proved that the grossest acts of bribery had been practised. Even one of the agents of one of the candidates made a speech to the effect, that if the other party gave 10*l.* he would give 20*l.*; that, if they gave forty, he would give 50*l.*; if they gave sixty, he would give 70*l.*; and so on to the amount of hundreds. It was proved that even 500*l.* had been offered for a vote. It was also proved that a body of ruffians were brought from Shrewsbury and Bridegnorth, to prevent the free exercise of the franchise, and that the most shameful practices prevailed. And after all these things, there was a writ proposed to be issued for another election. Why, what did the corrupt electors want but another void election? What did they want but another opportunity to make money? They could have in fact, nothing better than another void election; but that ought to be prevented. They had now special grounds on which the writ ought to be withheld, and he would say that, even in Gatton and Old Sarum, greater corruption had never been exhibited than was proved to have occurred at the last Ludlow election. For himself, he represented a population of 240,000 persons, and the expenses of his election did not amount to more than 140*l.* He, for one, was prepared to go any length to prevent the issuing of the writ, and if twenty Members went with him, he would avail himself of all the forms of the House to prevent the issuing of the writ. It appeared by the evidence, that the grossest means had been resorted to to make money, and he would contend that the proper punishment for such conduct would be, to suspend the writ as long as possible; but the present proposition was, that it should only be suspended till Thursday. He would, therefore, move that the House do now adjourn.

Mr. *Briscoe* seconded the motion, and regretted that, in the absence of the noble Lord (Russell) such a decision should have been made as they had just come to. He regretted to see that, since the passing of the late Reform Bill, parties did not scruple to use every means of bribery and corruption to prevent the free exercise of the elective franchise. If such things were to be permitted, no liberal Government could exist—no enlightened politics could prosper—no good measures could be carried into operation. He felt strongly on the present subject, and would support the motion for the adjournment.

Viscount *Palmerston* felt as strongly as any hon. Member the reasonableness of the request that the debate should be adjourned till Thursday next, and he thought that the refusal to adjourn was a departure from the ordinary courtesy of the House. The House, however, having decided against the adjournment, he did not wish to offer further opposition. His hon. Friend having moved the adjournment of the House, he still thought that the question should be postponed to enable his noble Friend (Lord J. Russell) to be heard in the debate, and he thought that there were strong grounds why his noble Friend should be heard, because he had been called upon, on matters connected with the privileges of the House, to address them as a Member of the Government. He would, however, put it to his hon. Friend (Mr. Wakley), whether, under all the circumstances, it would be right to avail himself of the forms of the House, as such a course might have the effect of retarding the public business. He should not be able to vote for his hon. Friend's amendment, and would suggest to him not to press it.

Mr. *Horsman* had been a member of the committee who made the report, and there having been no party feeling whatever exhibited during the inquiry before the committee, from the beginning to the end, he should regret exceedingly to see a feeling of the kind prevailing at present. He thought the strongest case of corruption had been made out, and under these circumstances, he was willing to vote for the motion of his hon. Friend, in order that the issuing of the writ might be postponed. He would remind right hon. Gentlemen, that a distinct pledge had been given to the noble Lord that time would be given for consideration before the writ should be issued. And how was that pledge carried out? Why, that on Friday night notice was given to bring on the question on the next night, when it was known that the noble Lord (Russell) would not be present. The papers were delivered only on Monday—on Wednesday, it was known that the noble Lord would not be present, and on Friday notice of this motion for issuing the writ was given. He thought in a case where bribery had been proved against persons who wished to become Members of that House, that the postponement till Thursday ought to be allowed.

Viscount *Sandon* could say, as a member of the committee, that no party feeling had interfered with the inquiry. As to the charge of bribery, he denied that it formed a sufficient ground for delaying the issuing of the writ. As the charge of bribery was against two persons on each side, he could not agree in the statement that it was very general; and if writs were to be suspended because of such proof of bribery to such an extent, he should like to know how many writs they would be called upon to suspend. He would put it to the hon. Member for Finsbury himself to say whether it would be right to act upon such a principle? It only required one or two scoundrels, if such practice were adopted, to disfranchise a whole constituency. With regard to the case mentioned by the hon. Member for Finsbury, they only proved that large sums had been offered and refused. However extensive the practice of treating might have been, it had never been considered ground sufficient for suspending the issuing of a writ. Upon what did the present case rest; it rested on proof of treating only, which had never been considered a ground for suspending the issuing of a writ.

Mr. *H. Grattan* said, the noble Lord the Member for Liverpool could not have read the evidence, or he had mistaken it—when he said there was but one case of bribery. He could mention five or six cases. The party was so convinced he was guilty, that as soon as the first case was established he retired. He could refer to the pages, for he had only read them twenty minutes ago, and he regretted that he had not been in the House to record his vote upon the first division, but he had travelled seventy miles that day to vote against one of the most infamous systems of bribery and corruption he had ever heard of. He had never heard of such a system. Every ale-house in the borough was open, and he had the names of them all. Any man might go in, eat and drink, and get drunk, get sober, and get drunk again. 10*l.*, 20*l.*, 30*l.*, 40*l.*, and 50*l.*, were given for a vote. One man received a bribe to vote for A, and then voted for B—and when his wife was asked whether that did not surprise her, she said, "Oh no, it has been so long the custom in the borough of Ludlow." A jury would have brought in Mr. Holmes guilty to a considerable extent. He begged pardon if he was out of order, but he thought he was perfectly in order in mentioning the name of an individual stated in the Report. He did not even know whether that Gentlemen was a Member, or whether he had not, like his friend Mr. Clive, accepted the Chiltern Hundreds, and retired. It would be preposterous to say such a system of corruption should be allowed to continue. The parties by their agents had introduced into the borough from fifty to one hundred bludgeon-men, and he most solemnly declared that if the eight or ten witnesses before the Committee had spoken the truth, he had never read of such a case of corruption as was made out against the borough of Ludlow. His hon. Friend the Member for Nottingham (Sir J. Hobhouse) had once stated that if the Thames were turned into that House it would not be purified. He thought it was time to try. But he trusted that the honest and sterling virtue of the people of England would correct these evils. He trusted there was among the independent electors integrity enough to stop this atrocious system of bribery. It was the duty of the electors to send Members to Parliament who would stop it; and it was the duty of the House to adopt some plan by which the repetition of those shameful scenes might be avoided. He could put his hand upon his heart, and say, that if he voted for the issuing of this writ, he should consider himself a dishonest man. But it appeared that Members on the other side of the House not only tolerated and suffered such disgraceful and corrupt practices, but that they even had the hardihood to defend them.

Viscount *Sandon* had not only read the report, but had also heard it read, and he could only say that it had produced a very different effect on his mind from what it appeared to have done on the mind of the hon. Member who had just sat down.

Mr. *Hume* reprobated the conduct which had been pursued by hon. Members on the opposition side. He could not understand why the right hon. Baronet would persevere in opposing so reasonable a proposition as the adjournment of the further consideration for three days, till the noble Lord the Secretary for the Colonies should be able to bring in a bill to prevent the future recurrence of such scenes as had disgraced these elections. The committee that produced this report was the production of the right hon. Baronet's own bill, and he would therefore appeal to the right hon. Baronet to pay some consideration to the first result of his measure. If they should not accede to the present motion for adjournment, what opinion could the people have of their proceedings? They would all clearly see that the object was to cover the delinquencies of a corrupt and worthless constituency.

Sir *R. Peel* would answer the appeal which the hon. Gentleman had made to him. About three weeks since there was a supposed vacancy—it afterwards turned out to be an actual vacancy—in the representation of the county of Perth, in consequence of the death of the late Earl of Mansfield, and a motion was made for the issue of a new writ. The Opposition thought there was not sufficient evidence offered of the right of the present Earl to go to the other House, and they asked for one day's delay in order to ascertain the bearing of the precedents, so that, if the precedents were in favour of the issuing of the writ on the next day, there would be no opposition. On the ministerial side there was then a casual majority, and what was the principle on which they defended their conduct? They said that the electors had an inherent constitutional right to have all vacancies supplied as soon as they occurred. Well, the delay was refused on the broad principle that the people had a constitutional right to have the writ issued, except under special and peculiar circumstances. The question now was, were there in this case those special and peculiar circumstances? He was disposed to argue this question with perfect fairness, and he would ask what was there in this case which would justify them in suspending the issuing of the writ? The question was not now whether they would take new precautions against bribery; it was one of treating only; there was no case of bribery. Were they then to establish the principle that certain cases of bribery should disfranchise a borough? Even if so, that could not effect this borough, for here there was no proof of bribery. The words of the committee were, that "a general system of treating prevailed previously to and during the last election." Here there was not a word about bribery. If the committee felt that there was that general system of bribery there of which hon. Gentlemen opposite spoke with such confidence, then the committee neglected their duty in not denouncing it. They did not say a word as to bribery, but merely as to treating. That was all that affected this borough. The hon. Gentleman who had just sat down had referred to his measure for improving the constitution of committees. But what had the form of that tribunal to do with the ancient and constitutional principle as to the issuing of writs? He had never intended by anything in his bill to affect the constitutional right of constituencies to be represented. All the hon. Gentleman's observations on this point were, therefore, quite irrelevant to the present question, whether the writ should issue or not. They were not to consider themselves entitled to depart from the ancient and constitutional precedents as to the issuing of writs. An attempt of that kind was made in the last session. He wanted to inquire how long they proposed to delay the issuing of this writ? [An hon. *Member:* Till Thursday.] He had that, then, admitted. Then he must say there was no man in this House who carried courtesy to political opponents farther than he, but when they asked for the suspension of a writ for three days on account of the absence of a Member of Parliament, he felt that he should not be justified in complying. Political questions they might suspend for a few days on such grounds, but if there was a constitutional question they would not be justified in suspending it. It was on that ground that he could not agree to the proposal for staying the issue for three days. Would the hon. Gentleman engage to issue the writ on Thursday? Did the hon. Gentleman say that his proposal was not merely to suspend the issuing of the writ till Thursday, but to take into consideration then the propriety of issuing it at all. The House had already determined to issue the writ, but now it was to suspend the issuing of it for an indefinite period. If they were to apply this principle to the issuing of writs, the constituencies of England would hold their rights by sufferance of the majority of this House. But even a minority might prevent the issuing of writs, and, by repeated adjournments, deprive the people of England of the right of representation. If they were about to establish the rule that treating was to disfranchise a constituency, they should not mix up this question with the question whether a new measure ought to be introduced to prevent abuses. If the noble Lord should bring in a bill calculated practically to prevent those abuses, there would be no man more disposed to co-operate with him in carrying it into a law. It would be an advantage to both parties that the law on treating should be defined. He thought that they were all in jeopardy from that law. The present law, allowing carriage and some other expenses to voters, opened a way to various abuses. He could assure the House that there were few Members who would listen with greater pleasure to any proposition for preventing bribery and treating; but there being no indication of such a measure now before the House, they would not be justified in suspending this writ for three days, and so establishing a precedent which would be capable of being perverted to other, and probably worse purposes.

Mr. *Hawes* said, the question of bribery or disfranchisement was not now before the House. The simple question was, whether the debate should be adjourned to Thursday. The substantial question was, whether they should take the question of disfranchisement into consideration on Thursday next. It had been said, that very few cases of bribery or treating had been proved, but the House must be aware that the Committee only took one case of a class, and therefore there was no proof in that of the extent to which the system had been carried. If the issuing of the writ was of so much importance, he put it to the lovers of the Constitution on the other side of the House, why they had suffered a whole week to elapse without taking any steps for that purpose. It was stated that there were twenty-seven public-houses open in the borough, and any one might go in and do as he pleased, thus giving the greatest possible temptations to dishonesty and corruption. The noble Lord, the Member for Liverpool, had said, that the suspension of the writ would be an act of tyranny to all the electors of the empire; he (Mr. Hawes) wished to protect the honest electors from a tyranny infinitely more dangerous, namely, that which the rich exercised over the poor voters, and that in every part of the country. The advocates of purity of election on his side of the House wished to maintain something like independence among the constituencies of the empire. Hon. Gentlemen might depend upon it, that the debate was not to be put an end to that night—for he was convinced that there never was a more unjust course undertaken, than to issue a writ to the borough, under its present circumstances. If there was one ground more than another on which they ought to refuse to issue the writ, it was the fact of its being the first borough under the new Act, which had been convicted, by the unanimous resolution of the Committee, of bribery and corruption. It was necessary that they should let the constituencies see beforehand what they were likely to experience from the House, in the event of bribery and corruption being proved against them. Notwithstanding the coalition that had had taken place between the noble Lord, who, he was sorry to say, had deserted his character of a reformer—and the other side of the House, he hoped a steady band of the friends of liberty and freedom of election, would be at their posts, to assert the rights of the people, and of the constitution, which were endangered by the present motion.

Mr. *B. Baring*, as a Member of the Committee, could state, that there were only five cases of bribery brought before the Committee, and of these five cases three were attempts at bribery, which had not succeeded. Under these circumstances, he did not think that a case of general bribery and corruption had been made out.

Mr. *Elliot* had suggested to the hon. Baronet, the Member for Sudbury, to postpone his motion with respect to Cambridge, on the grounds that Members had not had time to read the evidence. The hon. Baronet had not even the courtesy to answer his question. Another application was made to the hon. Baronet to postpone it, in consequence of the absence of the noble Lord, the Secretary for the Colonies, and in compliance with that application, the motion was postponed. Now the right hon. Baronet, the Member for Tamworth, said, that if they postponed the present motion out of courtesy to the noble Lord, they would be neglecting their duty, and doing that which they ought not to do. He, for one, certainly did not understand that species of logic.

Mr. *Pryme* said, the question before the House was, whether there were sufficient grounds for suspending the issuing of the writ, or whether, by enlarging the constituency, disfranchising individuals, or any other means, they could put a stop to the present system of bribery and corruption. The noble Lord, the Member for Liverpool, had argued, that the writ ought not to be suspended, because there were so few cases of bribery proved, but the House should recollect, that a single instance was sufficient to disqualify a Member.

Mr. *Villiers Stuart* said, that punishing the borough by the suspension of the writ for bribery and treating was very like an *ex post facto* law, and he should therefore vote against the adjournment.

The House divided on the question of adjournment:—Ayes 123; Noes 189:—Majority 66.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bernal, R.
Blackett, C.
Blake, M. J.
Blake, W. J,
Blewitt, R. J.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Buller, C.
Busfeild, W.
Butler, Colonel
Callaghan, D.
Chester, H.
Chetwynd, Major
Collier, J.
Corbally, M. E.

Crompton, Sir S.
Currie, R.
Curry, Mr. Sergeant
Dennistoun, J.
D'Eyncourt, C. T.
Duke, Sir J.
Duncombe, T.
Elliot, J. E.
Ellice, E.
Ellis, W.
Evans, G.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Greig, D.
Guest, Sir J.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Hume, J.
Humphery, J.
James, W.
Jervis, S.
Johnson, Gen.
Langdale, hon. C.
Lister, E. C.
Lushington, C.
Macnamara, Major
Maher, J.
Martin, J.
Melgund, Lord
Murray, A.
Nagle, Sir R.
Noel, hon. C. G.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Pattison, J.
Pechell, Captain
Pendarves, E.
Philips, M.
Pigot, D.
Power, J.
Pryme, G.
Ramsbottom, J.
Roche, E. B.
Roche, W.
Seale, Sir J. H.
Sharp, Gen.
Smith, J. A.
Smith B.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strangways, J.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Wallace, R.
Warburton, H.
White, A.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.

Wakley, T.
Briscoe, J. I.

List of the NOES.

A'Court, Captain
Adare, Lord
Alford, Viscount
Alsager, Captain
Arbuthnott, H.
Archdall, M.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, F. T.
Baring, W. B.
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bentinck, Lord
Bethell, R.
Blackburne, I.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H.
Buller, Sir J. Y.
Burr, H.
Burroughes, H.
Canning, Sir S.
Cartwright, W. R.
Chapman, A.
Christopher, R.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Conolly, E.
Corry, hon. H.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douro, Marquess of
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
Forrester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J.
Gladstone, W.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O.
Goulburn, H.
Graham, Sir J.
Grey, Sir C.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C.
Hamilton, Lord
Harcourt, G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hillsborough, Lord
Hobhouse, Sir J.
Hodgson, F.
Hogg, J. W.
Holmes, W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Ingestre, Lord
Inglis, Sir R. H.
Irton, S.
Irving, S.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Lord
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Lord
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, T.
Lincoln, Lord
Litton, E.
Long, W.
Lowther, Colonel
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Marsland, T.
Marton, G.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Nicholl, J.
O'Neill, hon. J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, M.
Patten, I. W.
Peel, Sir R.
Perceval, Colonel
Pigot, R.
Planta, J.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Lord
Praed, W. T.
Pringle, A.

Pusey, P.
Rae, Sir W.
Reid, Sir J. R.
Richards, R.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Sandon, Lord
Shaw, F.
Sibthorp, Colonel
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Stuart, W. V.
Sturt, H.
Teignmouth, Lord
Thesiger, F.
Thomas, Colonel
Thompson, Alderman
Trench, Sir F.
Vere, Sir C.
Vernon, G.
Vivian, J.
Wynn, C.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

Question again put.

Mr. *C. Buller* was somewhat surprised that hon. Gentlemen opposite appeared inclined to assume that the treating which had taken place in the Ludlow case was not essentially different from the sort of treating which had formerly prevailed to a great extent in almost all elections, and which in former times had been considered as an offence by no means of grave character. He begged to point out the difference: this was not a mere case of giving refreshment to voters, of enabling them to indulge in social festivity at an election; it was, as reported by the committee, treating with a deliberate purpose of debauching and corrupting the voters. He would ask if there was anything palliating in this or in the mode in which it was carried on? He would ask if this was not corruption in its worst form? It was not hard money which he could carry home to his wife, or with which he could pay his creditors, but it was drink that debauched himself. If hon. Gentlemen opposite succeeded in upholding such a system as this, it would be a disgrace to England, and to any Christian country. He would not occupy the House, but would propose an amendment, which, perhaps, might startle the House, but which, nevertheless, was a very honest and a very straightforward course. If the House were determined that the borough of Ludlow should be put up for sale, he should wish that it should be put for sale for money, and not for beer. He should, therefore, propose, as an amendment, that Mr. Speaker do insert in the public papers an advertisement stating that the vacant seat for the borough of Ludlow was for sale, and that all persons desirous of purchasing the same should send in their tenders to Mr. Speaker by Monday next, the amount offered to be paid in money, or public securities, and not in beer or spirituous liquors.

The *Speaker* said, that before he put such an amendment, he wished to appeal to the hon. Member as to what effect might be produced by the insertion of such an amendment on the journals of the House.

Mr. *Hume* would suggest, that the Speaker should not put the amendment, as it would be clearly illegal to carry it into effect, even in the event of the House agreeing to it. He would therefore suggest to his hon. Friend, that he should withdraw his amendment.

Mr. *C. Buller* would, of course, withdraw his amendment, if there were any objection to it on a point of form. He would at once avow that his object in proposing it had been to throw on the question all the contempt it deserved.

Amendment withdrawn.

Mr. *Horsman* would take the liberty of moving an amendment. He could not but suppose that most of the hon. Gentlemen opposite were entirely unacquainted with the evidence which had been given before the committee, and the right hon. Gentleman, the Member for Tamworth, who had, of course, read it, had not, he must say, on this occasion, exhibited his usual quickness of apprehension. They were not now considering whether they should entirely suspend the issuing of the writ for Ludlow or not, but only whether they should postpone the consideration of that question until Thursday, in order to enable the noble Lord, the leader of that House, to be present at the discussion, and what he complained of, was, that the noble Lord had had a distinct pledge from the opposite side of the House, that he should have due notice of any intention of moving for the issuing of a new writ, and he would ask if such notice had been given to the noble Lord? The right hon. Gentleman said, that nothing had been reported by the committee as to the existence of a general system of bribery, but the nature of the proceedings did not enable the committee to go fully into that question. The counsel on each side had agreed that they would go into two or three cases of bribery only, and that if they failed in those, they would go to others; but if they proved those, then they would take the decision of the committee on those cases. The conduct of the case was therefore left entirely in the hands of the counsel. A reference to the evidence would show, that at least three distinct cases of bribery had been brought forward—a partisan agent had been sent for from Shrewsbury to do the dirty work. On his arrival at Ludlow a list of persons was put into his hands to be bribed, and opposite the names were placed the names of persons supposed to have the most influence over them, and the agent himself, who was supposed to have influence over two of these persons, found his name down opposite theirs, and was told that he was to look after them. He then stated that he was ordered to go to Mr. Williams and Mr. Holmes and receive their instructions. It was not necessary for him to state whether he believed all the allegations or not; he was only stating what appeared on the evidence. The witness said he had waited on Mr. Holmes, and had received from him instructions. Now there could be nothing clearer than this, that the evidence of an accomplice was legal, and, where confirmed, was entitled to credit. What, then, was the fact in this case? Why, that Wade and the other person whom they examined, stated he had been employed to bribe, came before the committee, and corroborated every syllable Mr. Williams had said. Nor was this all. There was a barber brought from Shrewsbury, whose proceedings were not minutely inquired into by the committee, because the committee was not called upon to inquire into them. Then they found Mr. Meux stating that he had been offered a bribe of 20*l.*, which he had refused, saying to the person who offered it, "I understand you are giving 30*l.* a vote," and this was not denied. Then there was Mr. Fitzgibbon Clive, a witness, who said that men were employed on each side to do the dirty work, and who further stated that at a large public meeting, Mr. Coppock said that if the other side bribed, they must bribe higher, and if they gave 20*l.*, he would give 40*l.*, and if they gave 50*l.*, he would give 100*l.*; and this announcement was received with loud cheers by a vast assembly of people. There was evidence tending to show that each party had indulged extensively in a system of bribery and treating, quite sufficient, he should say, to establish the charge of a general system of bribery. All the public-houses in the town were open, although each candidate declared he had given instructions to have nothing to do with treating, the publicans at the same time saying that they had received no instruction. The bills were given in to the agent, and they were paid by an invisible hand. There was ingenuity about this system which could only be the result of long practice in the ways of corruption, and he should therefore move, as an amendment, that the House do now adjourn.

Mr. *Bingham Baring* wished to ask the hon. Member whether, after the manner in which the witness Revis had given his testimony, and as that testimony implicated the character of an hon. Member of that House, he was inclined to attach any credit to it?

Mr. *Horsman* would at once state his opinion. Revis had been the confidential agent of the party; he had long been employed by them; he had received a sum of money from them when he left Ludlow, and they had given him the highest testimonials. He had been sent for to canvass; he had made these allegations respecting Williams and Holmes. His statements had been partly confirmed; and he must say, that until his statements should be contradicted, he believed them.

Lord *Sandon* would confess that he was surprised at what had just fallen from the hon. Member. He had not before been aware that any Member of the committee entertained such an opinion of that evidence. His own opinion had been that the direct contrary had been the general feeling in the committee. This man came before the committee, having received 150*l.* from Mr. Coppock, the agent of the opposite side, on a note of hand determinable at sight, so that, as one of the counsel had expressed it, he came before them with a noose about his neck, the other end of which was in the hands of the opposite party. When he recollected the evidence of that man he was surprised that any weight should be attached to his testimony. With regard to the general allegations of bribery, they rested only on the merest surmises and the vaguest allegations; and he was surprised, such being the feeling of the hon. Gentleman, that he had not proposed that a general investigation should take place into the acts of bribery alleged to have been committed in the borough of Ludlow. No such notice had, however, been given, and he saw no reason for refusing to issue the writ.

Mr. *Horsman*—While he might admit that the unsupported evidence of Revis was not entitled to much weight, yet considered that where it was supported, it at least required contradiction.

Mr. *Holmes* said, that if he had abstained from giving the contradiction required before, it was only because he was engaged in taking steps for the purpose of applying to the authority of another tribunal, where the statements of this individual would undergo investigation. The hon. Member had said that where the statements of that person were supported by others, he was inclined to believe them, and he said that two other persons who had been called had supported them. Those persons had only said that Revis had chosen to make them offers; one of them was a person to whom Revis owed 300*l*., and he went to that person and stated, that Mr. Holmes had authorised him to offer that person 500*l*. Now, so far was he from having had any communication with Revis, that he solemnly declared, that he had never seen him until the Saturday night before the election, when Revis came up to him in the street and spoke to him. The second time was on the Tuesday, when the man came to make some communication to him, and on that occasion two other persons were present. He protested that these were the only occasions on which he ever saw the man. He abstained from going into the committee, because he was determined to go forward and contradict Revis's statement; and he thought that if he went into the room, an objection would be made to his giving evidence. But when he went down for the purpose of insisting on being examined, Mr. Austin told him that there was not one on the committee who believed the statement of Revis. He hoped that he might have an opportunity of contradicting that statement on oath before another tribunal.

Mr. *Handley* was not sorry that the debate had taken place, as it would show the country who were the parties in that House, who wished to encourage and screen treating and bribing at elections. The House, in ordering the evidence to be printed, was pledged to take some further steps. He appealed to the candour of the right hon. Baronet opposite, whether the notice given on Friday night last for a motion for a new writ, on this night, when it was known the noble Lord, the Secretary for the Colonies, would not be in his place, was a due notice in the sense in which that term was understood, in the conversation which took place on a former occasion between the noble Lord and the right hon. Baronet?

Sir *R. Peel* did not think that the noble Lord meant to call for a notice to be given to himself. But it could not be pretended that the writ had been moved for without notice, and the attendance in the House to-night showed that the notice was sufficient. With respect to the absence of the noble Lord, he (Sir R. Peel) must say, as he had already said, that he did not think the absence of any Member, however high his station, and eminent his talent, should be a ground for postponing the issuing of the writ.

Mr. *Hume* said, it had been understood to be the sense of the House, formed on the report of the committee, that a new writ should not be issued until after the evidence had been printed; and further, that after the printing of the evidence, due notice should be given. He put it to the candour of the right hon. Baronet, whether due notice had been given?

Sir *R. Peel* said, that the conversation alluded to had taken place before the evidence was printed. As no Member of the committee, nor any one else, had founded any motion on the evidence since it was printed, the House was bound to issue the writ without delay.

Mr. *Hawes* said, that due notice had not been given. It was generally understood amongst Members, as a matter of course, that the writ would not be moved for in the absence of the noble Lord.

The House divided on the question, that the debate be adjourned—Ayes 96; Noes 156—Majority 60.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W,
Barry, G. S.
Beamish, F. B.
Bernal, R.
Blake, W. J.
Blewitt, R. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bryan, G.
Busfeild, W.
Chester, H.
Chetwynd, Major
Corbally, M.
D'Eyncourt, T.
Duke, Sir J.
Duncombe, T.
Elliot, hon. J.
Ellice, E.
Ellis, W.
Evans, G.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Greig, D.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hawkins, J. H.

Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Hume, J.
James, W.
Jervis, S.
Johnson, Gen.
Lister, E. C.
Lushington, C.
Maher, J.
Martin, J.
Maule, hon. F.
Melgund, Lord
Morris, D.
Murray, A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, J.
O'Connell, M. J.
Pattison, J.
Philips, M.
Pigot, D. R.
Power, J.
Pryme, G.
Redington, T. N.
Roche, E. B.
Seale, Sir J. H.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strangways, J.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Wemyss, Capt.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, H.
Wood, G. W.
Wood, B.

TELLERS.
Buller, C.
Handley, H.

List of the NOES.

A'Court, Capt.
Adare, Lord
Arbuthnott, H.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, W. B.
Barrington, Lord
Bateson, Sir R.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Cartwright, W.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. H. A.
Conolly, E.
Corry, hon. H.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douro, Marquis
Drummond, H.
Duffield, T.
Du Pre, G.
East, J. B.
Eastnor, Lord
Egerton, W. T.
Ellis, J.
Estcourt, T.
Fellowes, E.
Filmer, Sir E.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Grey, Sir C.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. H.
Hamilton, Lord
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hillborough, Lord
Hodgson, F.
Hogg, J. W.
Holmes, hon. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Inglis, Sir R.
Irton, S.
Jackson, Serj.
James, Sir W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kelburne, Lord
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightly, Sir C.
Lefroy, rt. hon. T.
Lincoln, Earl of
Litton, E.
Long, W.
Lowther, hon. C.
Lucas, E.
Lygon, Gen.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Marsland, T.
Maunsell, T. P.
Mordaunt, Sir J.
Morgan, C. M.
Neeld, J.
Nicholl, J.
O'Neill, J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Peel, Sir R.
Perceval, Col.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Sir W.
Richards, R.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sanderson, R.
Sandon, Lord
Shaw, F.
Sibthorp, Col.
Somerset Lord
Stanley, Lord
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thomas, Col. H.
Trench, Sir F.
Trevor, hon. G. R.
Tuffnel, H.
Vere, Sir C. B.
Vernon, G. H.
Vivian, J. E.
Wynn, C. W.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Question again put that the writ be issued,

Mr. *Horsman* would at once move, without prefatory observations, an amendment, that a select committee be appointed to examine and report how far treating, bribery, and corruption, had been carried in the case of the late and the former election for Ludlow, and that in the meantime the writ for electing a Member to serve for that borough be suspended.

Sir *C. Grey* said, he had voted against the adjournment as long as he believed the adjournment had been urged as a reason for delay in coming to a decision upon the very important question before the House; but the moment that he found in this instance, that an hon. Member had stated that there was matter enough upon the face of the proceedings in this case, which might be made the subject of very grave inquiry hereafter, he then conceived it to be his duty to give scope for that inquiry, and had therefore voted for the adjournment.

The House again divided on the question, that the words proposed to be left out stand part of the question:—Ayes 148; Noes 91: Majority 57.

List of the AYES.

A'Court, Capt.
Arbuthnot, H.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. W. B.
Barrington, Lord
Bateson, Sir R.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burroughes, H.
Canning, Sir S.
Cartwright, W.
Christopher, R. A.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C.
Codrington, C.
Cole, hon. A. H.
Conolly, E.
Corry, hon. H.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
Darlington, Lord
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douro, Marquis of,
Drummond, H.
Duffield, T.
East, J. B.
Eastnor, Lord
Egerton, W. T.
Ellis, J.
Estcourt, T.
Fellowes, R.
Filmer, Sir E.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Capt.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Grimsditch, T.
Hale, R. B
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T.
Hodgson, F.
Hogg, J. W.
Holmes, hon. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Irton, S.
Jackson, Sergeant
James, Sir W.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble H.
Kelburne, Lord
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, T.
Lincoln, Lord
Litton, E.
Long, W.
Lowther, hon. Col.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W.
Marsland, T.
Maunsell, T. P.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
O'Neill, J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Peel, Sir R.
Perceval, Col.
Polhill, F.
Pollen, Sir J.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Sir W.
Richards, R.
Rickford, W.
Rose, Sir G.
Round, C.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Shaw, F.
Sibthorp, Colonel
Somerset, Lord
Stanley, Lord
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thomas, Col. H.
Trench, Sir F.
Trevor, hon. G.
Vere, Sir C. B.
Vernon, G. H.
Vivian, J. E.
Wynn, C. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bernal, R.
Blake, W. J.
Blewitt, R. J.
Bridgeman, H.
Briscoe, J.
Brotherton, J.
Bryan, G.
Buller, C.
Busfeild, W.
Chester, H.
Chetwynd, Major
D'Eyncourt, C. T.
Duke, Sir J.
Duncombe, T.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, G.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir C.
Guest, Sir J.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
James, W.
Jervis, S.
Johnson, General
Lister, E. C.
Maher, J.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Morris, D.
Murray, A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
Pattison, J.
Philips, M.
Pigot, D. R.
Power, J.
Pryme, G.
Roche, E. B.
Sandon, Lord
Seale, Sir J. H.
Smith, B.
Somers, J. P.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strangways, J.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C.

Wakley, T.
Warburton, H.
Wemyss, Capt.
White, S.
Williams, W.
Williams, W. A.
Winnington, H.
Wood, G. W.
Wood, B.

TELLERS.
Horsman, E.
Hume, J.

Original question again put.

Mr. *Hawes* said, he felt the House ought to reject the motion upon, he thought, new grounds, since the right hon. Member for Tamworth had declared that he would lend his cordial assistance to any proposition, or to any means which would get rid of bribery and corruption at elections in future. He was in hopes that if the same opposition were continued to be shown to the amendment, they would have two or three more divisions upon this question to-night, since they might be expected to derive some two or three votes, in addition to minority upon each renewed division, in the same way as they had in the last division obtained the suffrage and support of the hon. and learned Member, and the noble Lord, the Member for Liverpool. The cheers proceeding from the opposite side of the House only added strength to his conviction of the propriety of persevering in moving, as an amendment, that the question be adjourned.

The House again divided on the amendment, that the debate be adjourned: Ayes 76; Noes 145: Majority 69.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Barnard, E. G.
Barry, G. S.
Blake, W. J.
Blewitt, R. J.
Bridgeman, R.
Brotherton, J.
Bryan, G.
Buller, C.
Busfeild, W.
Butler, hon. Colonel
Chester, H.
Chetwynd, Major
D'Eyncourt, C. T.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Ellice, E.
Ellis, W.
Evans, G.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Gillon, W. D.
Greenaway, C.
Handley, H.
Hastie, A.
Hawkins, J. A.
Heathcote, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Hume, J.
James, W.
Johnson, General
Lister, E. C.
Maher, J.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Morris, D.
Murray, A.
Nagle, Sir R.
O'Brien, W.
O'Connell, M. J.
Pattison, J.
Philips, M.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Roche, E. B.
Seale, Sir J. H.
Smith, B.
Somers, J. P.
Stewart, J.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
White, S.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H.
Wood, G. W.
Wood, B.

TELLERS.
Hawes, B.
Briscoe, J. I.

List of the NOES.

A'Court, Captain
Arbuthnott, H.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, W. B.
Barrington, Lord
Bateson, Sir R.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blennerhasset, A.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burroughes, H.
Canning, Sir. S.
Cartwright, W.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C.
Cole, hon. A. H.
Conolly, E.
Corry, hon. H.
Cresswell, C.
Dalrymple, A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
Dottin, A. R.
Drummond, H.
East, J. B.
Eastnor, Lord
Egerton, W.
Ellis, J.
Estcourt, T.
Fellowes, E.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, J. M.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Captain
Goulburn, H.
Graham, Sir J.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T.
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Original question again put.

Mr. *Hume* stated, that he and his Friends had been asked why they did not promote inquiry into this flagrant case of corruption at an election. This was the object of the frequent divisions moved to-night, but the opposition did not deign to offer any opposition to the amendments made in the absence of her Majesty's Ministers, upon whose support he thought his friends might have reckoned had they been present. He conceived, that all that remained to be done by him and his friends was to put an end for the present to the debate, and move as an amendment, that the House do adjourn.

Sir *R. Peel* would confess he never had, on any previous occasion, so many times in one night divided upon the subject of adjourning a topic of discussion, and against its adjournment. He, however, believed, that in the present instance he had pursued the proper course; first, because it would be an act of injustice in such a case as this to suspend the decision of the House upon it; and, secondly, because he thought that when the sense of the House had been fairly taken upon the question, more especially by the means of so large a majority against postponement, the minority ought not to persist or persevere in reproposing the adjournment of the principal question at issue. He well knew and appreciated the power of a minority, although it were but as the present was, a dwindling minority. He also was conscious that the minority to-night had prevailed, and he knew too, that if they could continue to divide until to-morrow evening, and only count three Members for an adjournment upon each division, the minority would prevail. The present motion had been differently framed—it was for an adjournment of the House; but he would tell them this would not prevail, and that upon the altered motion, they would meet as much firmness and decision, and as decided a negative, as upon the question of adjournment of their decision in respect to this election, or as their party was determined to display. And he would now tell them, and give them notice that, though he should not oppose the motion of adjournment itself, he, for one, would not suffer any other public business to be proceeded with in that House until the question of this writ for Ludlow was disposed of. He had the satisfaction of thinking that he was about to make a proposition, in which he thought, notwithstanding the tendency to opposition which prevailed to-night in the House, both parties would be disposed to agree. If, then, it were improper to go on with this motion in the absence of the noble Lord, surely it would be equally improper to go into committee of supply, and vote away millions of the public money in his absence. It was now understood, that the noble Lord would be in his place on Thursday next—the motion for the issue of the new writ for the borough of Ludlow must then take precedence. Now, he would give notice for himself, and those with whom he acted, that they would object to the proceeding with any other public business whatever until that time. He apprehended that that proposal would be generally acquiesced in. There was some difficulty in point of form to his moving an amendment that the House do now adjourn till Thursday next, but they might revive the discussion to-morrow, by moving, at five o'clock, that the writ do issue. He believed it would be quite competent for them to do so. That motion would be met, he supposed with opposition, as it had been that night, on account of the absence of the noble Lord, the Secretary for the Colonies. The noble Lord would not be present to-morrow, and hon. Gentlemen opposite, he supposed, would not allow any decision to be come to. The House would, therefore, be involved in the same difficulty to-morrow evening as it was in at present. Now, that was what he wished to avoid. He did not think it creditable to the House to be engaged in dissensions of this nature, and he was sure it must be most painful to hon. Members themselves. He must, however, repeat, that if any other public business were brought forward before this question was decided, he would himself move the adjournment of the House. He would, however, suggest an arrangement, by which he thought the difficulty might be avoided, that was, that it should be distinctly understood on both sides, that so far as the public business was concerned, that no motion should be brought forward —that no question of public business should be proceeded with until Thursday, when this motion for a new writ for the borough of Ludlow must have precedence. He would not suggest the postponement of the private business, as that might be attended with great inconvenience to private parties; but that all public business should be deferred until this question should be decided. This was the proposition he had to make to hon. Gentlemen opposite, and he assured them he made it in the most perfect good humour. And he would put it to them, was it not better that they should separate good humouredly upon this understanding, than they should continue a useless system of hostility and contention, such as they had that night witnessed.

Mr. *Hume* assured the right hon. Baronet, that no one regretted more than himself the necessity which was imposed upon hon. Members on that (the Ministerial) side of that House of having recourse to this means of opposing the present motion. He submitted, that it was hon. Gentlemen opposite who were unreasonable in this matter, and the right hon. Baronet, the Member for Tamworth, was now about to be still more unreasonable by putting a stop to the progress of all public business. Let the House decide upon the present motion as they might, he, for one, should be sorry to agree to any such proposition as that which the right hon. Baronet had now proposed.

Mr. *T. Duncombe* wished the House and the country to understand what was the nature of the proposition which the right hon. Baronet had submitted. It was this—that because the House would not agree to encourage treating and bribery, the right hon. Baronet would obstruct the progress of all public business. If hon. Gentlemen opposite should ever come into office again, he thought they could not complain if those who might be in opposition to them, took a leaf out of their book. He thought the proposition of the right hon. Baronet would prove a most dangerous precedent in future cases. All that hon. Members on the Ministerial side asked was, a postponement of the motion, on account of the melancholy occurrence which had taken place in the family of the noble Lord, the leader of that House, and which prevented his attendance in his place. He thought that was a reasonable request, and, after the concession that had been shown to the noble Lord, the Member for North Lancashire (Lord Stanley) on a former evening, when his bill for depriving the people of Ireland of the elective franchise was discussed, one that they might fairly expect to be granted. The House had, on that occasion, consented, at the request of the noble Lord, to sit until five or six o'clock in the morning, in order to allow the noble Lord to leave town to attend the sick bed of a near relation. He hoped the Government, and Members on his side generally, would refuse to enter into any compromise. They had, in fact, won the battle, the writ could not be issued that night. Then let them meet to-morrow, and let the right hon. Baronet (Sir R. Peel), and those who supported him, obstruct the public business if they thought proper. They might depend upon it, that the people of this country would judge who was in the right.

Mr. *E. J. Stanley* observed, that it had been said that the ground upon which he had urged upon the noble Lord, the Member for Salop (the Earl of Darlington), to postpone the motion for the new writ for the borough of Ludlow was, the short time that elapsed since the evidence had been printed, and in the hands of hon. Members. That was not the ground he had taken. What he objected to was the motion being brought forward in the absence of his noble Friend (Lord J. Russell), who had stated his intention to propose some means for preventing the recurrence of such proceedings as had taken place at the last Ludlow election. His noble Friend had certainly understood that the motion for the new writ would not be brought forward in his absence, and it was on that ground that the noble Lord had objected to the motion which had been suggested by an hon. Friend near him for postponing the issue of the writ till the 10th of June.

He did not say there was sufficient evidence to justify the ultimate suspension of the writ; all he asked was that the motion should be postponed until they had an opportunity of seeing what course his noble Friend proposed to pursue.

The Earl of *Darlington* begged to observe, that when the hon. Gentleman who had just sat down waited upon him on this subject, he did not state that he came with any communication from the noble Lord, the Secretary for the Colonies. In fact, when he put the question to the hon. Member whether, if he consented to postpone the motion till Thursday, the noble Lord intended to oppose it, his reply was that he did not know, for that he had had no conversation with his noble Friend since the melancholy event that had taken place. If the request had been made to him as from the noble Lord, he should have considered it due, in courtesy to the noble Lord, to have acquiesced in it.

Mr. *E. J. Stanley* had distinctly stated the other evening, when the notice of motion was given for the Cambridge writ, that the ground upon which he asked for the postponement was the absence of his noble Friend. He was not in the House when the notice for moving the Ludlow writ was given, but as the Cambridge writ was postponed because of the absence of his noble Friend, he had conceived that the same course would have been taken with regard to the Ludlow writ.

Sir *R. Peel* would explain what was his impression upon the subject. He was asked on Thursday or Friday last by the noble Lord, the Member for Salop, whether, as ten days had then elapsed since the evidence taken before the Ludlow election committee had been laid upon the table, the motion for the issue of the new writ for that borough not to be made. He replied that in his (Sir R. Peel's) opinion it ought, but that notice of the motion ought to be given. Notice was given on Friday last that the motion would be made on the Monday. Subsequently the hon. Member for Sudbury had given notice that he would move the issue of the Cambridge writ also on that day. That was contrary to his advice; for, as in the Ludlow case, it had been thought necessary to print the evidence of the committee, a longer notice ought to have been given. But the moment his hon. Friend, the Member for Sudbury, gave notice of his intention to move the Cambridge writ on that evening, the hon. Member for Cornwall, the chairman of the Cambridge election committee, rose up and declared his intention of supporting the motion. Subsequently the hon. Member (Mr. E. J. Stanley) had asked for the suspension of the Cambridge writ till Thursday next, which was at once acceded to, but it was not until that afternoon he had heard any wish expressed for the suspension of the Ludlow writ. He had understood, that the noble Lord, the Secretary for the Colonies, desired to have an opportunity of stating his opinions generally upon the subject of treating at elections, and he (Sir R. Peel) had done all he could to afford the noble Lord that opportunity, and had succeeded in prevailing on his hon. Friend (Sir J. Walsh) to postpone the motion for the Cambridge writ until the noble Lord could be present on Thursday next.

Mr. *Horsman* said, that the right hon. Baronet was mistaken, in saying, that ten days had elapsed after the delivery of the papers, whereas, six days only had then passsed.

House adjourned.

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